



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: May 11, 2010

SUBJECT: Modification No. 1 to Design Overlay Review No. 1011-07, Modification No. 1 to Conditional Use Permit No. 609-06 and Modification No. 1 to Conditional Use Permit No. 676-07

APPLICANT: Lynn Van Aken for Clearwire
27271 Las Ramblas, Suite 200
Mission Viejo, California 92691

REQUEST: To install an unmanned wireless telecommunication facility on a 235-foot existing radio tower in the CG (Commercial, General) zone and within Redevelopment Project Area No. 4.

PROPERTY INVOLVED: 17900 South Central 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. 11A

I. Introduction

The applicant, Lynn Van Aken for Clearwire, is requesting to install an unmanned wireless telecommunication facility on a 235-foot existing radio tower at 17900 South Central Avenue. The site is zoned CG (Commercial, General) zone and within Redevelopment Project Area No. 4.

The project includes three (3) panel antennas and three (3) microwave dishes. The new antennas will be located at 50 feet above ground level. One equipment cabinet will be located next to the existing tower.

Building permits indicate the property was used as an office in 1953 and a relay station in 1980. The lattice tower was built in 1982. On November 27, 2007, the Planning Commission approved Design Overlay Review No. 1011-07, Conditional Use Permit No. 609-06 (Height) and Conditional Use Permit No. 676-07 (Tower) which included the following:

- *Design Overlay Review (DOR) No. 1011-07*: Pursuant to Section 9138.16.D, the facility is considered a major wireless telecommunication facility because it is a freestanding structure located less than 100 feet from a residential zone; and
- *Conditional Use Permit (CUP) No. 609-06 (Height)*: Pursuant to Section 9138.16.F, the facility exceeds the maximum height limit but is allowed to remain with approval of a conditional use by the Planning Commission; and
- *Conditional Use Permit (CUP) No. 676-07 (Tower)*: Pursuant to Sections 9182.21-22, the existing tower is an existing freestanding structure and requires approval by the Planning Commission.

This request has been referred to the Planning Commission as a major modification to the DOR and CUP's with a public hearing required.

II. Background

The property currently is owned by MCI Communications and a lattice tower and four telecommunication facility buildings currently occupy the site. American Tower Corporation is the owner of the tower and is currently leasing the tower to several telecommunication companies.



The existing tower was constructed in 1982. Subsequently, several telecommunications facilities have collocated on the tower prior to the current telecommunications ordinance taking effect. As such, these telecommunications facilities were approved without discretionary review by the Planning Commission. In 2003, the current Telecommunication Ordinance was adopted which allowed legal nonconforming facilities to continue for five years until 2008. By 2008, those legal nonconforming facilities were required to either abate or become conforming through the discretionary review process.

In 2007, staff received an application for a collocation from Metro PCS. In order to approve the collocation, the applicant was required to receive approval for the entire tower. On November 27, 2007, the Planning Commission granted approval of the existing tower pursuant to the Telecommunication Ordinance and permitted the collocation (Design Overlay Review No. 1011-06, Conditional Use Permit No. 609-06, and Conditional Use Permit No. 676-07). The conditions of approval required the owner to bring the item back to the Planning Commission in seven (7) years, or November 27, 2015, for review and approval by the Commission.

On June 1, 2009, Clearwire submitted the current application to collocate on the existing tower.

III. Analysis

Per Condition No. 4 of the approved conditions of approval (Exhibit No. 4), substantial changes require review by the Planning Commission.

The radio tower currently has very large antennas near the top of the tower as well as cell antennas similar in size to the proposed antennas. The proposed antennas will not degrade the visual character of the site. An existing condition of approval shall require evaluation of the telecommunication facility 2015 to allow the City to develop and implement any further improvements to the site as deemed necessary by the Planning Commission to buffer the surrounding residential neighborhood from the existing tower. Staff has advised the applicant that this be considered as the current processing of the collocation application proceeds.

The site is a developed parcel. The site is 38,700 square feet in size, and has a driveway approach along Central Avenue. The property is located on the eastern side of Central Avenue, which is designated as a major arterial road.

Issues of Concern / Mitigation:

- Issue – Intensification of antennas: Staff's review of the proposed site plan indicates the addition of antennas, and not height, to the tower. While DOR No. 1011-07, CUP No. 609-06 and CUP No. 676-07 did not require removal of existing antennas, the previous applicant removed the



same number of antennas as was provided. Staff therefore recommends the swap-out of existing antennas for the same number of new antennas to prevent the intensification of antennas on the tower.

- Issue – Site Maintenance: The site shall be properly maintained with respect to building facades.
 - Mitigation: The applicant shall paint any portion of the tower or buildings in disrepair to the satisfaction of the Planning Department. A condition of approval is included to reflect this mitigation measure.
- Issue - Aesthetics – Landscaping: The applicant and property owner shall provide landscaping and/or upgraded fencing around the perimeter of the property to screen the facility at such time that the adjoining vacant property is developed, subject to approval by the Planning Division.

IV. Conclusion

Staff concludes that all conditions for Design Overlay Review No. 1011-07, Conditional Use Permit No. 609-06 and Conditional Use Permit No. 676-07 have been met. Staff recommends that the proposed antennas can be approved for the site if the same number is removed. It is staff's opinion that the antennas will not create any adverse effect to the site or adjacent properties.

V. Recommendation

That the Planning Commission:

- **APPROVE** Modification No. 1 to Design Overlay Review No. 1011-07, Modification No. 1 to Conditional Use Permit No. 609-06 and Modification No. 1 to Conditional Use Permit No. 676-07; and
- WAIVE further reading and ADOPT Resolution No._____, entitled "A Resolution of the Planning Commission of the City of Carson approving Modification No. 1 to Design Overlay Review No. 1011-07, Modification No. 1 to Conditional Use Permit No. 609-06 and Modification No. 1 to Conditional Use Permit No. 676-07 to collocate an unmanned wireless telecommunication facility on an existing 235-foot radio high tower at 17900 South Central Avenue."

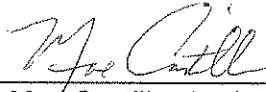
VI. Exhibits

1. Land Use Map
2. Planning Commission Resolution No. 07-2176



3. Staff Report for Design Overlay Review No. 1011-07, Conditional Use Permit No. 609-06 and Conditional Use Permit No. 676-07 dated November 27, 2007 (without exhibits)
4. Resolution
5. Project Plans (Separate from this report)

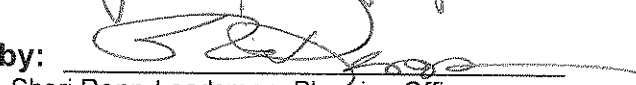
Prepared by:


Max Castillo, Assistant Planner

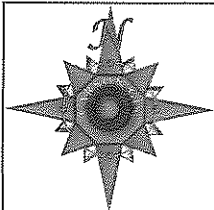
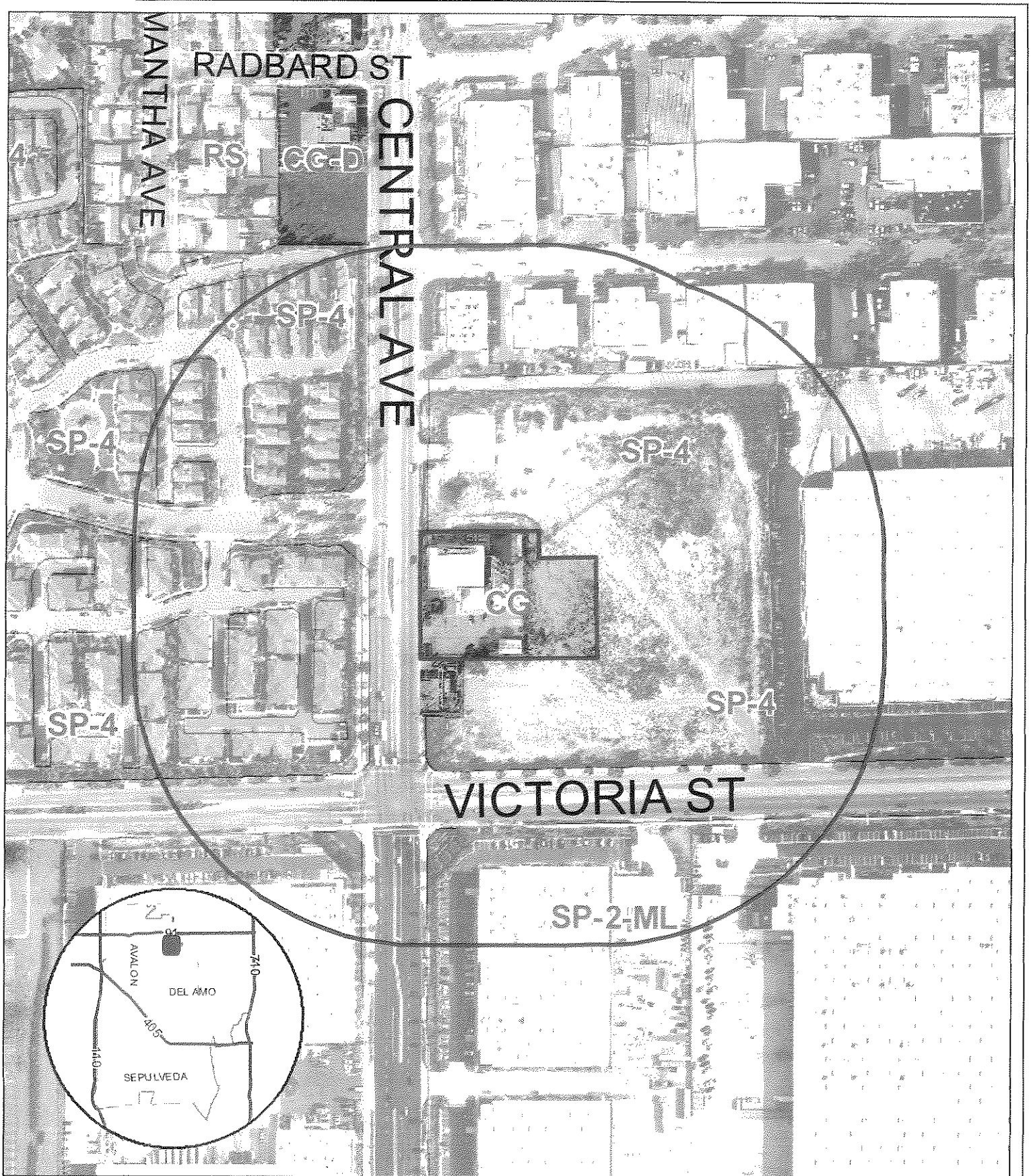
Reviewed by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp-Loadsman, Planning Officer

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City of Carson
 500 Foot Radius Map
 17900 Central Ave



K:\Addresses\Central_Ave\17900_Col_Site
 ZoningMap.MXD

EXHIBIT NO. 1 -

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 07-2176

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW 1011-07, CONDITIONAL USE PERMIT 609-06 AND CONDITIONAL USE PERMIT 676-07 TO COLLOCATE AN UNMANNED WIRELESS TELECOMMUNICATION FACILITY ON AN EXISTING 235-FOOT HIGH RADIO TOWER AT 17900 SOUTH CENTRAL 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, Core Communications, represented by John Koos, with respect to real property located at 17900 South Central Avenue, and described in Exhibit "A" attached hereto, requesting the approval of a Site Plan and Design Review and Conditional Use Permits to permit and collocate an unmanned wireless facility on an existing 235-foot high radio tower in the CG (Commercial, General) zone and within Redevelopment Project Area No. 4. The application includes:

- Design Overlay Review (DOR) for review of architectural design as required for freestanding major wireless telecommunication facilities located less than 100 feet from a residential zone. (CMC Section 9138.16.D).
- Conditional Use Permit (CUP) for telecommunication facilities that exceed the maximum height limit (CMC Section 9138.16.F).
- Conditional Use Permit (CUP) for existing telecommunication facilities that have become legal, non-conforming uses (CMC Section 9182.21-22).

A public hearing was duly held on November 13, 2007, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. Notices of time, place and purpose of the aforesaid meeting were duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid hearings. At the meeting of November 13, 2007, the public hearing was continued until November 27, 2007.

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 General Commercial which is compatible with the proposed use. The proposed use and development of a wireless telecommunication facility will be consistent with the surrounding commercial and residential uses and is appropriate for the subject property as proposed, subject to the conditions of approval,
- 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 open spaces and other features



relative to a harmonious and attractive development of the area. The radio tower already has very large antennas near the top of the tower as well as some cell antennas similar in size to the proposed antennas. The six proposed antennas will not degrade the visual character of the site. A condition of approval shall require evaluation of the telecommunication facility in seven (7) years or 2015 to allow the City to develop and implement any further improvements to the site as deemed necessary by the Planning Commission to buffer the surrounding residential neighborhood from the existing tower.

- c) The site is also adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development. The surrounding land uses are commercial and residential uses and the proposed project is compatible with those uses. The site is 38,700 square feet in size, and is flat;
- 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 private driveway;
- e) There are no signs intended for the proposed project other than those required for safety purposes, which will meet the requirements of the Municipal Code;
- f) The proposed wireless telecommunication facility will replace existing antennas and is located and designed to minimize the visual impact on surrounding properties and from public streets, including stealthing which incorporates the facility with the structure in which it will be mounted through use of material, color, and architectural design. To further improve aesthetics on the site, conditions of approval are included to require: 1) the applicant to paint any portion of the tower or buildings in disrepair to the satisfaction of the Planning Department; 2) the applicant shall replace chain link fencing along Central Avenue with a wrought iron fence and all existing barb wire shall be removed; and 3) to the extent feasible, the applicant shall provide landscaping around the perimeter of the property. Prior to issuance of a building permit a landscaping plan must be approved by the Planning Division;
- g) 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", Section 9138.16(G), "Wireless Telecommunication Facilities, Minor Exceptions" and Section 9138.16(H), "Wireless Telecommunication Facilities, Required Findings" are made in the affirmative.

Section 4. The Planning Commission further finds that the use permitted by the proposed Site Plan and Design Review and Conditional Use Permits will not have a significant effect on the environment. The existing facility will not alter the predominantly character of the surrounding area and meets or exceeds all City standards for protection of the environment. Therefore, the proposed project is found to be exempt under the general rule of CEQA, Section 15301.




Section 5. Based on the aforementioned findings, the Commission hereby grants Design Overlay Review No. 1011-07, Conditional Use Permit No. 609-06 and Conditional Use Permit No. 676-06 with respect to the property described in Section 1 hereof, subject to the conditions and plans set forth in Exhibit "B" and "C" respectively 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 27th DAY OF NOVEMBER, 2007


CHAIRMAN

ATTEST:


SECRETARY



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"

CONDITIONS OF APPROVAL

DESIGN OVERLAY REVIEW NO. 1011-07

CONDITIONAL USE PERMIT NO. 609-06

CONDITIONAL USE PERMIT NO. 676-07

GENERAL CONDITIONS

1. If a building permit for Design Overlay Review No. 1011-07, Conditional Use Permit No. 609-06 and Conditional Use Permit No. 676-07 is not issued within one year of their effective date, said permits shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
3. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
4. 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 and approval by the Planning Commission.
5. 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.
6. 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 may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.



7. 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.
8. 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.
9. These permits, Conditional Use Permit No. 609-06 and Conditional Use Permit No. 676-07, shall expire in seven (7) years or by November 27, 2015, unless an extension of time is filed by the applicant prior to expiration, and subsequently reviewed and approved by the Planning Commission.
10. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceedings against the City or its agents, officers, or employees to attack, set aside, void or annul, an approval of the City, its advisory agencies, appeal boards, or legislative body concerning Design Overlay Review No. 1011-07 Conditional Use Permit No. 609-06 and Conditional Use Permit No. 676-07. 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.

PARKING

11. The required parking shall meet all applicable standards as outlined in Part 6, Division 2 of the Carson Zoning Ordinance.
12. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
13. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
14. Parking spaces shall be provided with perimeter guards as provided in Section 9162.55 of the Zoning Ordinance.



15. All areas used for the movement parking, loading, repair or storage of vehicles shall be paved with either
 - a. Concrete or asphaltic concrete to a minimum thickness of three and one-half inches over four inches of crushed aggregate base; or
 - b. Other surfacing material which, in the opinion of the Director of Engineering Services, provides equivalent life, service and appearance.
16. Parking for handicapped shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.

AESTHETICS

17. 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.
18. The wireless telecommunication facility shall not exceed the height specified in the development plan.
19. All new electrical and equipment wiring shall be placed underground or concealed within the building or structure in which the facility will be mounted.
20. The ground equipment and supporting structure(s) shall be painted a neutral, non-glossy color.
21. The applicant shall paint any portion of the tower or buildings in disrepair to the satisfaction of the Planning Department
22. Graffiti shall be removed from all project areas within 3 days of written notification by the City of Carson. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Commission for review and further consideration of site modifications (i.e., fencing, landscaping, chemical treatment, etc.).
23. All trash shall be removed prior to the issuance of a building permit. The subject property shall be maintained at all times to present an attractive appearance to the satisfaction of the Planning Division. Three existing storage containers in the front parking area shall be removed.

LANDSCAPING/IRRIGATION

24. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division prior to the issuance of any building permit.
25. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."



26. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically-timed controller station set for early morning or late evening irrigation.
27. The applicant and property owner shall provide landscaping and/or upgraded fencing around the perimeter of the property to screen the facility at such time that the adjoining vacant property is developed, subject to approval by the Planning Division.

FENCES/WALLS

28. Perimeter fences shall be architecturally coordinated with the project buildings and subject to the approval of the Planning Division.
29. All fences, walls and hedges shall be located and constructed in compliance with the standards as provided for in Section 9136.3 (commercial zones) of the Zoning Ordinance.
30. The applicant shall provide a new wrought iron fence along the western property line in order to provide screening, as necessary, and to replace any fencing found to be dilapidated or in poor condition.
31. The applicant shall remove all existing barb wire fencing.

NOISE

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

TRASH

34. The trash enclosure(s) shall be located on a four inch concrete pad screened by a six foot high decorative concrete block wall that is compatible with the architectural design of the main building and in the location specified in the approved site plan. Trash enclosure design is to be approved by the Planning Division prior to issuance of any building permit/business license.
35. All existing trash containers shall be within a trash enclosure.

PUBLIC SAFETY - CITY OF CARSON

36. Ensure compliance with current seismic mitigation codes.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

37. Prior to issuance of a Building Permit, Proof of Worker's Compensation and Liability Insurance must be on file with the Los Angeles County Building and Safety Department.



38. The estimated construction cost for this project is less than \$100,000 therefore the project is not subject to offsite improvements, with exceptions to the following items:
- a. A construction permit is required for any work to be done in the public right-of-way.
 - b. Any improvements damaged during the construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.
 - c. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy.
 - d. The Developer shall construct and guarantee the construction of all required drainage infrastructures in accordance with the requirements and recommendations of the drainage study, subject to the approval of the City Engineer.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

39. All requirements by the L.A. County Fire Department shall be complied with.

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

40. 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.





CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: November 27, 2007

SUBJECT: Design Overlay Review No. 1011-07, Conditional Use Permit No. 609-06 and Conditional Use Permit No. 676-07

APPLICANT: John Koos
Core Communications
2923-A Saturn St.
Brea, CA 92821

REQUEST: To collocate an unmanned wireless telecommunication facility on an existing 235-foot radio tower in the CG (Commercial, General) zone and within Redevelopment Project Area No. 4.

PROPERTY INVOLVED: 17900 South Central Avenue

COMMISSION ACTION

☒ Concurred with staff

☐ Did not concur with staff

☐ Other

Commissioner Saenz moved, seconded by Commissioner Graber, to approve with the following amendments: Condition No. 9, "These permits, Conditional Use Permit No. 609-06 and Conditional Use Permit No. 676-07, shall expire in seven..."; Condition No. 27, "The applicant and property owner shall provide landscaping and/or upgraded fencing around the perimeter of the property to screen the facility at such time that the adjoining vacant property is developed, subject to approval by the Planning Division"; and moved to adopt Resolution No. 07-2176. Motion carried.

AYE	NO		AYE	NO	
<input checked="" type="checkbox"/>		Chairperson Faletogo	<input checked="" type="checkbox"/>		Graber
<input checked="" type="checkbox"/>		Vice Chair Hudson	<input checked="" type="checkbox"/>		Saenz
<input checked="" type="checkbox"/>		Cannon	<input checked="" type="checkbox"/>		Verrett

I. Introduction

Applicant

- Core Communications; Attention: John Koos; 2923-A Saturn St.; Brea, CA 92821

Property Owner

- American Tower; 514 S. Myers St. Unit C; Oceanside, CA 92054

Project Address

- 17900 South Central Avenue

Project Description

- To permit and collocate an unmanned wireless facility on an existing 235-foot high radio tower on a developed property.
- The new antennas will be attached to the tower at 60 feet and 85 feet above ground level.
- The project includes six (6) panel antennas and four equipment cabinets will be located within a 10'x16' area next to the existing tower.
- The proposal includes the following discretionary requests:
 - *Design Overlay Review No. 1011-07*: Pursuant to Section 9138.16.D, the facility is considered a major wireless telecommunication facility because it is a freestanding structure located less than 100 feet from a residential zone and the Planning Commission has the approval authority; and
 - *Conditional Use Permit No. 609-06 (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.
 - *Conditional Use Permit No. 676-07 (Tower)*: Pursuant to Sections 9182.21-22, the existing tower structure is non-conforming and approval of a conditional use permit is required by the Planning Commission.

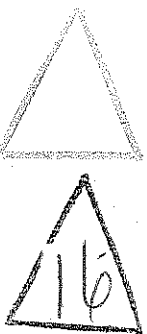
II. Background

Previous Uses of Property

- Building permits indicate the property was used as an office in 1953 and a relay station in 1980. The lattice tower was built in 1982. The property currently is owned by MCI Communications and a lattice tower and four telecommunication facility buildings currently occupy the site. American Tower Corporation is the owner of the tower and is currently leasing the tower to several telecommunication companies.

Previously Approved Discretionary Permits

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



Public Safety Issues

- After consulting with the Public Safety Department it was determined that there are site maintenance issues that the applicant must address. These include: 1) providing a trash enclosure for an existing trash container; 2) marking of parking stalls; and 3) removal of three storage containers in the front parking area.

III. Analysis

Location/Site Characteristics/Existing Development

- The subject property is located at 17900 S. Central Avenue in the City of Carson, between the 91 Gardena Freeway and Victoria Boulevard.
- Adjacent to the subject property to the north and east are vacant properties. A Southern California Gas Building is located to the south and single family homes are located to the west across Central Avenue.
- The physical dimensions of the lot are 180 feet by 215 feet, with a total area of 38,700 square feet.

Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned CG (Commercial, General) and properties to the north, east and west are located within the Dominguez Hills Village Specific Plan. The Southern California Gas property to the south is also zoned CG.
- The subject property has a General Plan Land Use designation of General Commercial; all adjacent properties have a General Plan Land Use designation of Mixed-Use Residential.
- The subject property and all contiguous properties are within Redevelopment Project Area No. 4.

Applicable Zoning Ordinance Regulations

The following table summarizes the proposed project's consistency with current site development standards for the CG 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		Major Wireless Telecommunication Facilities require a Site Plan and Design Review and Conditional Use Permit. Also, subject to Section 9138.16.



Applicable Zoning Ordinance Sections	Compliant	Non-Compliant	Comments
WIRELESS TELECOMMUNICATION FACILITY DEVELOPMENT STANDARDS			
Section 9138.16D2, "Procedural Standards, Major Wireless Telecommunication Facilities"	X		Subject to approval of a Design Overlay Review and Conditional Use Permit by the Planning Commission
Section 9138.16E, "Application Requirements"	X		
Section 9138.16F1-7, "Design and Development Standards"	X		Proposed height can be allowed if there is no expansion or intensification of the facility.
Section 9138.16H, "Required Findings"	X		Subject to approval of a Design Overlay Review and Conditional Use Permit by the Planning Commission

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

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.



- c. There will be adequate street access and traffic capacity.
- d. There will be adequate water supply for fire protection.
- e. The proposed use and development will be compatible with the intended character of the area.
- f. 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:

- 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 and conditional use permit 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 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.



- 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.

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", 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 – No intensification of antennas: Staff's review of the proposed site plan indicates the replacement, and not intensification, of antennas on the tower.
- Issue – Existing/Future Development: Section 91822 (a), Termination of Existing Nonconforming Use of the Municipal Code requires the termination of an existing tower and communications facilities over 50 feet in height within five years of enactment of the City's Wireless Telecommunications Facilities Ordinance of 2003. The existing non-conforming tower and telecommunication facilities would be required to terminate in 2008, unless a Conditional Use Permit is approved for the tower and each of the existing telecommunication facilities prior to the 2008 deadline. Staff recommends that the Planning Commission approve the Conditional Use Permit for the tower and consider a condition requiring evaluation of the telecommunication facility in seven (7) years or 2015. The evaluation would allow the City to develop and implement any further improvements to the site as deemed necessary by the Planning Commission to buffer surrounding existing and future residential land uses from the existing tower.
- Issue – Site Maintenance: The site shall be properly maintained with respect to building facades.
 - Mitigation: The applicant shall paint any portion of the tower or buildings in disrepair to the satisfaction of the Planning Department. A condition of approval has been included to reflect this mitigation measure.
- Issue – Aesthetics - Fencing: The applicant shall replace chain link fencing along Central Avenue with a wrought iron fence. In addition, staff recommends that all existing barb wire be removed.
- Issue - Aesthetics – Landscaping: To the extent feasible, the applicant shall provide landscaping around the perimeter of the property. Prior to issuance of a building permit a landscape plan must be approved by the Planning Division.

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 radio tower site is "Categorically Exempt".

V. Recommendation

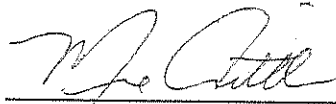
That the Planning Commission:

- WAIVE further reading and ADOPT Resolution No. _____, entitled "A Resolution of the Planning Commission of the City of Carson approving Design Overlay Review No. 1011-07, Conditional Use Permit No. 609-06 and Conditional Use Permit No. 676-07 to collocate an unmanned wireless telecommunication facility on an existing 235-foot radio high tower at 17900 South Central Avenue."

VI. Exhibits

1. Land use map
2. Conditional Use Permit No. 609-06: 17900 S. Central Avenue – Letter from Channel Law Group, LLP dated March 14, 2007
3. 17900 Central Avenue, Carson City – Cell Site Non-conforming review – Letter from American Tower Corporation dated November 7, 2006
4. Resolution
5. Site plan, elevations, floor plans (under separate cover)

Prepared by:


Max Castillo, Assistant Planner

Reviewed by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp-Loadsmann, Planning Division Manager

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CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 1 TO DESIGN OVERLAY REVIEW NO. 1011-07, MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 609-06 AND MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 676-07 TO COLLOCATE AN UNMANNED WIRELESS TELECOMMUNICATION FACILITY ON AN EXISTING 235-FOOT RADIO HIGH TOWER AT 17900 SOUTH CENTRAL 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, Clearwire, represented by Lynn van Aken, with respect to real property located at 17900 South Central Avenue, and described in Exhibit "A" attached hereto, requesting the approval of Modification No. 1 to Design Overlay Review (DOR) No. 1011-07, Modification No. 1 to Conditional Use Permit (CUP) No. 609-06 and Modification No. 1 to Conditional Use Permit (CUP) No. 676-07 to collocate an unmanned wireless telecommunication facility on an existing 235-foot high radio tower in the CG (Commercial, General) zoning district.

A public hearing was duly held on May 11, 2010, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. Notices of time, place and purpose of the aforesaid meeting were 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 General Commercial which is compatible with the proposed use. The proposed use and development of a wireless telecommunication facility will be consistent with the surrounding commercial and residential uses and is appropriate for the subject property as proposed, subject to the conditions of approval.
- 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 open spaces and other features relative to a harmonious and attractive development of the area. The radio tower already has very large antennas near the top of the tower as well as some cell antennas similar in size to the proposed antennas. The six proposed antennas will not degrade the visual character of the site. A condition of approval shall require the applicant to request review of this permit by November 27, 2015 at a public hearing of the Planning Commission which shall have the right to approve, extend or revoke this permit.



- c) The site is also adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development. The surrounding land uses are commercial and residential uses and the proposed project is compatible with those uses. The site is 38,700 square feet in size, and is flat.
- 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 private driveway.
- e) There are no signs intended for the proposed project other than those required for safety purposes, which will meet the requirements of the Municipal Code.
- f) The replacement of existing antennas for the same number of new antennas to prevent the intensification of antennas on the tower is recommended. The proposed wireless telecommunication facility is located and designed to minimize the visual impact on surrounding properties and from public streets, including stealthing which incorporates the facility with the structure in which it will be mounted through use of material, color, and architectural design. To further improve aesthetics on the site, conditions of approval in Resolution No. 07-2176 include: 1) the applicant to paint any portion of the tower or buildings in disrepair to the satisfaction of the Planning Department; 2) the applicant shall replace chain link fencing along Central Avenue with a wrought iron fence and all existing barb wire shall be removed; and 3) to the extent feasible, the applicant shall provide landscaping around the perimeter of the property, at such time that the adjoining vacant property is developed, subject to approval by the Planning Division.
- g) 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", Section 9138.16(G), "Wireless Telecommunication Facilities, Minor Exceptions" and Section 9138.16(H), "Wireless Telecommunication Facilities, Required Findings" are made in the affirmative.

Section 4. Based on the aforementioned findings, the Commission hereby grants Modification No. 1 to Design Overlay Review No. 1011-07, Modification No. 1 to Conditional Use Permit No. 609-06 and Modification No. 1 to Conditional Use Permit No. 676-06 with respect to the property described in Section 1 hereof, subject to the conditions and plans set forth in Exhibit "B" and "C" respectively attached hereto.

Section 5. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 6. 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 11th DAY OF MAY, 2010

CHAIRMAN

ATTEST:

SECRETARY



Exhibit "A"

Legal Description

The land referred to herein is situated in the State of California, County of Los Angeles, described as follows:

That portion of the 716.03 acre tract, in the Rancho San Pedro, County of Los Angeles, State of California, allotted to Isaias W. Hellman by the decree of partition of a portion of said Rancho in Case No. 15697 of the Superior Court of said county, a certified copy of said decree being recorded in Book 764, Page 185 of Deeds, records of said county, described as follows:

Beginning at the Northwest corner of a parcel of land described in the deed to the Southern California Gas Company, recorded February 19, 1957 as Instrument Number 1778, in Book 53680, Page 302, of Official Records of Los Angeles County; thence North $89^{\circ} 37' 15''$ East, perpendicular to the centerline of Central Avenue and along the Northerly boundary of said parcel, a distance of 21.00 feet, to the True Point of Beginning, said True Point of Beginning also being 41.00 feet east of the centerline of Central Avenue, 40 feet wide; thence North $89^{\circ} 37' 15''$ East, along the Northerly boundary of said parcel and its projection, a distance of 307.00 feet, thence North $0^{\circ} 22' 45''$ West, along the existing fence line, a distance of 175.00 feet; thence South $89^{\circ} 37' 15''$ West, along the existing fence line, a distance of 100.00 feet; thence North $0^{\circ} 22' 45''$ West, along the existing fence line, a distance of 46.00 feet; thence South $89^{\circ} 37' 15''$ West, along the existing fence line, a distance of 207.00 feet; thence South $0^{\circ} 22' 45''$ East, along a line parallel with and 41.00 feet east of the centerline of Central Avenue, a distance of 221.00 feet to the True Point of Beginning.

EXCEPT all oil, gas, petroleum, hydrocarbon substances, water and other minerals below a depth of 500 feet measured vertically from the present surface of said land together with the right of entry below said depth of 500 feet by slant or directional drilling from other lands to develop and produce oil, gas, petroleum, hydrocarbon substances, water and other minerals, and the right to use the structures below said depth of 500 feet for the storage and subsequent removal of gas or other substances, but without any right of surface entry.

CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"

CONDITIONS OF APPROVAL

MODIFICATION NO. 1 TO DESIGN OVERLAY REVIEW NO. 1011-07

MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 609-06

MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT NO. 676-07

GENERAL CONDITIONS

1. If a building permit for Modification No. 1 to Design Overlay Review No. 1011-07, Modification No. 1 to Conditional Use Permit No. 609-06 and Modification No. 1 to Conditional Use Permit No. 676-07 is not issued within one year of their effective date, said permits shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
3. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
4. 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 and approval by the Planning Commission.
5. 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.
6. 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 may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.



7. 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.
8. 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.
9. The applicant shall be required to request review of this permit by November 27, 2015. Said review of this permit shall be by noticed public hearing of the Planning Commission which shall have the right to approve, extend or revoke this permit on reasonable grounds.
10. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceedings against the City or its agents, officers, or employees to attack, set aside, void or annul, an approval of the City, its advisory agencies, appeal boards, or legislative body concerning Modification No. 1 to Design Overlay Review No. 1011-07 Modification No. 1 to Conditional Use Permit No. 609-06 and Modification No. 1 to Conditional Use Permit No. 676-07. 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.

PARKING

11. The required parking shall meet all applicable standards as outlined in Part 6, Division 2 of the Carson Zoning Ordinance.
12. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
13. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
14. Parking spaces shall be provided with perimeter guards as provided in Section 9162.55 of the Zoning Ordinance.



15. All areas used for the movement parking, loading, repair or storage of vehicles shall be paved with either
 - a. Concrete or asphaltic concrete to a minimum thickness of three and one-half inches over four inches of crushed aggregate base; or
 - b. Other surfacing material which, in the opinion of the Director of Engineering Services, provides equivalent life, service and appearance.
16. Parking for handicapped shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.

AESTHETICS

17. 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.
18. The wireless telecommunication facility shall not exceed the height specified in the development plan.
19. All new electrical and equipment wiring shall be placed underground or concealed within the building or structure in which the facility will be mounted.
20. The ground equipment and supporting structure(s) shall be painted a neutral, non-glossy color.
21. The applicant shall paint any portion of the tower or buildings in disrepair to the satisfaction of the Planning Department
22. Graffiti shall be removed from all project areas within 3 days of written notification by the City of Carson. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Commission for review and further consideration of site modifications (i.e., fencing, landscaping, chemical treatment, etc.).
23. All trash shall be removed prior to the issuance of a building permit. The subject property shall be maintained at all times to present an attractive appearance to the satisfaction of the Planning Division. Three existing storage containers in the front parking area shall be removed.

LANDSCAPING/IRRIGATION

24. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division prior to the issuance of any building permit.
25. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."



26. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically-timed controller station set for early morning or late evening irrigation.
27. The applicant and property owner shall provide landscaping and/or upgraded fencing around the perimeter of the property to screen the facility at such time that the adjoining vacant property is developed, subject to approval by the Planning Division.

FENCES/WALLS

28. Perimeter fences shall be architecturally coordinated with the project buildings and subject to the approval of the Planning Division.
29. All fences, walls and hedges shall be located and constructed in compliance with the standards as provided for in Section 9136.3 (commercial zones) of the Zoning Ordinance.
30. The applicant shall remove all existing barb wire fencing.

NOISE

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

TRASH

33. The trash enclosure(s) shall be located on a four inch concrete pad screened by a six foot high decorative concrete block wall that is compatible with the architectural design of the main building and in the location specified in the approved site plan. Trash enclosure design is to be approved by the Planning Division prior to issuance of any building permit/business license.
34. All existing trash containers shall be within a trash enclosure.

PUBLIC SAFETY - CITY OF CARSON

35. Ensure compliance with current seismic mitigation codes.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

36. Prior to issuance of a Building Permit, Proof of Worker's Compensation and Liability Insurance must be on file with the Los Angeles County Building and Safety Department.
37. The estimated construction cost for this project is less than \$100,000 therefore the project is not subject to offsite improvements, with exceptions to the following items:



- a. A construction permit is required for any work to be done in the public right-of-way.
- b. Any improvements damaged during the construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.
- c. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy.
- d. The Developer shall construct and guarantee the construction of all required drainage infrastructures in accordance with the requirements and recommendations of the drainage study, subject to the approval of the City Engineer.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

38. All requirements by the L.A. County Fire Department shall be complied with.

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

39. 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.

