



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: May 25, 2010

SUBJECT: Design Overlay Review No. 1340-09
Conditional Use Permit No. 759-09
Conditional Use Permit No. 810-10

APPLICANT: T-Mobile, Reliant Land Services (Ed Gala)
1594 N. Batavia Street
Orange, CA 92867

REQUEST: Roof-mounted cellular telecommunication facility
and related equipment within a church building in
the CG-D (Commercial, General – Design
Overlay) zoning district and within Redevelopment
Project Area No. 4

PROPERTY INVOLVED: 1361 E. Carson Street

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			Schaffer
		Diaz			Verrett
		Gordon			

Item No. 11F

I. Introduction

Date Application Received

- November 5, 2009

Applicant

- Reliant Land Services (Ed Gala)
On behalf of T-Mobile
1594 N. Batavia Street
Orange, CA 92867

Applicant

- Filipino Bethel Baptist Church
25100 Normandie Avenue
Harbor City, CA 90710

Project Address

- 1361 E. Carson Street, Carson, CA 90745 (APN 7327-005-022)

This item is a request for the Planning Commission to consider and approve the following development application for the property located at 1361 E. Carson Street:

- Design Overlay Review (DOR) No. 1340-09 – Roof-mounted cellular telecommunication facility and related equipment on a church building within 100 feet of a residential zone.
- Conditional Use Permit (CUP) No. 759-09 – Upon further investigation, this CUP has been deemed unnecessary. No further action is required.
- Conditional Use Permit (CUP) No. 810-10 – To permit additional height, up to 20 percent, for the proposed building parapet, pursuant to a modification as described in CMC Section 9138.16(G) (Exhibit No. 1).

Wireless Telecommunication Facilities Requirements

In 2003, the City Council adopted Ordinance No. 03-1284, establishing Section 9138.16 of the Carson Municipal Code (CMC) regarding requirements for wireless telecommunication facilities. CMC 9172.23(B)(1)(d) states that any minor (i.e. building-mounted/stealthed) wireless telecommunications facility located within 100 feet of a residential zone requires a public hearing before the Planning Commission. Section 9138.16 F(2)(d) of the CMC also states that the Planning Commission may consider approval of new facilities that exceed the maximum height limit up to 20 percent with the approval of a conditional use permit.

II. Background

The subject property is located at the northwestern corner of the intersection of Carson and Vera streets. The property is 18,071 square feet (0.41 acre), zoned CG-D (Commercial, General – Design Overlay), and located within Redevelopment Project Area No. 4. On February 12, 2008, the Planning Commission adopted



Resolution No. 08-2189 approving a new two-story church on the property. The church is still undergoing construction and is near completion. The applicant is operating on a development schedule independent from the church construction. The church may be complete by the time the cellular telecom facility is ready for construction.

Surrounding Area

The subject site is located adjacent to one- and two-story, single-family residential homes to the north zoned RS (Residential, Single-Family). Across Vera Street, to the east of the subject site are more one and two-story, single-family residential homes zoned RM-25 (Residential, Multi-Family – 25 units per acre). Toward the south, across Carson Street, is the Vera-Carson Mobile Home Park, zoned RM-25. To the west, adjacent to the subject site, is a small, commercial retail center consisting of six tenants, zoned CG-D. The tenants include a Laundromat, restaurant, clothing store, and a liquor store.

The zoning designations for these properties are consistent with their General Plan Land Use designations.

The applicant proposes to construct twelve (12) antennas, in three sectors of four antennas each, behind a 20-foot by 40-foot screened enclosure on the roof occupying the last 20 feet on the west side of the building. The enclosure is comprised of a 6-foot, 4-inch high parapet wall painted and stuccoed to match the church building. The equipment cabinetry and control room for the telecom facility will be located on the second floor beneath the roof-mounted panels.

III. Analysis

Design Overlay Review No. 1340-09

The applicant, T-Mobile, proposes to construct a parapet to screen panel antennas that will be installed along the west side of the building. All necessary telephone and electric cabling will be placed in conduits along the building roof-top and connected to the existing equipment cabinetry and control room on the second floor of the building.

Findings: Design Overlay Review

CMC Section 9138.16 requires the Planning Commission to approve a site plan for any cellular telecommunication facility deemed minor and within 100 feet of a residential use. Pursuant to CMC section 9172.23, Site Plan and Design Review, the Planning Commission may approve the development plans for the proposed building-mounted cellular telecommunication facility 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.*

The subject property is zoned CG-D and has a General Plan Land Use designation of GC (General Commercial), which is consistent with the zoning designation. The proposed use is permitted within the zone. Surrounding uses include single-family and high-density residential, as well as commercial, retail



uses. The adjacent neighbors include a multi-tenant commercial center to the west and single-family homes to the north. The subject property abuts the backyards of the homes and an approximately 30-foot separation will be provided between the church building and the homes. The development plans include a stealth design with adequate screening of the proposed facilities from public view, consistent with standards outlined in Section 9138.16. As such, the proposed use is compatible with the General Plan and surrounding uses. There is no specific plan for the area.

- 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 church building is 28 feet, 4 inches in height, consistent with municipal code requirements for commercial zones. The parapet used to screen the proposed facility will be finished at a height of 35 feet which is permitted by Section 9138.16, provided the facility utilizes the existing architecture of the building and is incorporated as a stealth design, so no visual impacts are present from the increased height.

- c). *Convenience and safety for pedestrians and vehicles.*

The proposed cellular facility and does not affect or impact the safe circulation of either pedestrian or vehicular traffic as the facility is essentially unmanned and incorporated into a church building.

- d). *Attractiveness, effectiveness, and restraint in signing, graphics, and color.*

No signage is proposed for the cellular facility other than what is required for safety purposes for the equipment cabinets, which will be located indoors. The color of the parapet will match the color and texture of the church building.

- e). *Development scheduling (if phased development) which will satisfy the above criteria in each phase.*

There is no phased development plan for the proposed project.

- f). *Conformance to any applicable design standards and guidelines which have been adopted pursuant to Section 9172.15. Such design standards and guidelines may be generally applicable or may specify different requirements for different areas.*

The subject proposal is consistent with required findings found in Section 9138.16 in that it promotes a stealth design intended to detract attention from roof-mounted equipment and deters the proliferation of stand-alone major cellular telecommunication facilities.

Conditional Use Permit No. 810-10

The applicant proposes to construct a parapet to screen panel antennas that will be installed along the west side of the building. This parapet exceeds the height



permitted in the zone. However, Section 9138.16 F(2)(d) of the CMC states that the Planning Commission may consider approval of new facilities that exceed maximum height limits with the approval of a conditional use permit.

Findings: Conditional Use Permit

According to CMC Section 9172.21 – Conditional Use Permit, the Planning Commission shall recommend approval of the proposal if it is able to make affirmative findings based on the following criteria:

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

The proposed project is consistent with the General Plan of the city of Carson in that the subject property is designated for General Commercial and zoned CG-D (Commercial, General – Design Overlay). The development plans include a stealth design with adequate screening of the proposed facilities from public view, consistent with standards outlined in Section 9138.16. As such, the proposed use is compatible with the General Plan and surrounding uses.

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

The proposed height of the building-mounted telecom structure exceeds the maximum height allowed within the CG-D zone. According to CMC Section 9138.16 F(2) the Planning Commission may consider approval of new facilities whose height exceeds the maximum height limit for the zone with the approval of a conditional use permit. The 0.41-acre project site is rectangular and flat with adequate utilities to accommodate the church use and proposed development.

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

Adequate driveway widths are provided on the site. Appropriate easements are available for circulation and to ensure safety for pedestrians and motorists. Generally, the project will not affect or impact the safe circulation of either pedestrians or vehicular traffic as the facility is unmanned with only occasional maintenance visits.

d). *There will be adequate water supply for fire protection.*

Prior to the issuance of building permits, the Los Angeles County Fire Department will ensure adequate water supply for fire protection is provided.

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

The subject property is located within Redevelopment Project Area No. 4. The proposed project meets all applicable design standards and guidelines of the Municipal Code.

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

- a. Pursuant to Section 9138.16(G), Minor Exceptions, the Planning Commission may approve a modified height, provided it is not more than



20 percent of the height permitted in the zone, only if at least one of the following findings can be made in the affirmative:

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

The additional height is required for the parapet to provide adequate screening of the proposed facility, and visual impacts caused by the additional parapet height are negligible because the facility is designed to architecturally integrate with the surrounding environment and is located in the rear portion of the church building.

- b. Pursuant to Section 9138.16(H), Required Findings, the 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:

- i. The proposed site is the best alternative after considering co-location with another facility and location at another site.*
- ii. 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.*
- iii. 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 wireless facility is a new building-mounted and stealthed facility designed to minimize the visual impact on the surrounding properties and from public streets. The applicant considered co-location in the vicinity and found it not to be infeasible. The proposed location is not located on a residential dwelling or in a residential zone.

Therefore, the project meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations subject to compliance with



§ 9138.16 Wireless Telecommunications Facilities.*

«Unamended section»

A. Purpose. The purpose and intent of this Section is to provide uniform and comprehensive standards for the development of wireless telecommunications facilities in accordance with existing Federal law while minimizing the aesthetic impacts through the use of carefully chosen siting and design criteria. The regulations contained herein are designed to protect and promote public health, safety and welfare, and aesthetic qualities within the community. At the same time, the intent is to comply with the Telecommunications Act of 1996, to not unduly restrict the development of necessary telecommunications facilities and encourage managed development of telecommunications infrastructure while providing a public forum to ensure a balance between public concerns and private interest in establishing such facilities.

B. Definitions.

1. "Amateur radio service" means a noncommercial, two (2) way radio communications service operated by licensed amateurs using shared frequencies.
2. "Antenna height" means the vertical distance from the existing or proposed grade, whichever is lower, to the highest part of the antenna.
3. "Building-mounted facilities" means all wireless telecommunications facilities mounted or attached in any way to an existing building. The building must serve a primary use other than as a site for a wireless telecommunications facility.
4. "Cell on wheels" or "COW" means a wireless telecommunications facility which is temporarily rolled in or temporarily installed.
5. "Co-location" means the placement of more than one (1) wireless telecommunications facility on an existing building or freestanding structure.
6. "Enhanced 911 Emergency Calling Systems (E911)" means a service which allows public safety personnel, including police and fire departments, to automatically identify the phone number and location of a person making an emergency call from a mobile source.
7. "Facade-mounted" means the mounting of antennas directly to the fascia or sidewall of a building and stealthed into the architectural design of the wall.
8. "Facility" means a telecommunications facility that transmits and/or receives electromagnetic signals which include, but is not limited to: the combination of antennas, transmitters, masts, cabinets, and equipment rooms; telecommunications towers, monopoles, or similar structures supporting said equipment; screening devices including walls and landscaping; and parking area and other accessory development.
9. "Ground-mounted" means a wireless telecommunications facility in which the antennas are located on a freestanding pole or structure, other than a building, attached to the ground. These antennas do not use a building or ancillary structure(s) for mounting purposes.
10. "Height" means the distance measured from the average finished grade surrounding the facility to the highest point on the facility. In the case of a building tower, the height includes the portion of the building on which it is mounted. Towers that are adjustable in height shall use the maximum height which the structure is capable of reaching.
11. "Major wireless telecommunications facility" means a facility other than a minor wireless telecommunications facility, which includes facilities on freestanding



structures and facilities that are not stealthed. A facility located within a residential zone, regardless of stealth design, is considered a major wireless telecommunications facility.

12. "Minor wireless telecommunications facility" means a facility that includes microcells and building-mounted facilities that are stealthed, including facade-mounted (wall-mounted) and roof-mounted stealthed facilities. Enhanced 911 Emergency Calling Systems (E911) required by the Federal Communications Commission are considered minor wireless telecommunications facilities if they are stealthed into the design of an existing building-mounted or freestanding facility.

13. "Multiple user" means a telecommunications facility comprised of multiple towers or buildings supporting one (1) or more antennas owned or used by more than one (1) public and/or private entity, excluding research and development industries with antennas to serve internal uses only.

14. "Nonbuilding-mounted wireless facilities" means individual wireless facilities, which are freestanding and not mounted on or attached in any way to an existing building, or that are attached to a structure whose primary purpose is to house or serve as a mounting location for wireless telecommunications equipment.

15. "Nonstealth" means any facility not camouflaged in a readily apparent manner to blend with surrounding land uses and features. The design does not conceal the intended use of the facility and incorporates no readily apparent elements of stealth technology or design. A standard monopole with equipment cabinets aboveground and unscreened would be considered nonstealth.

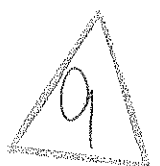
16. "Personal communications services (PCS)" means a term coined by the Federal Communications Commission; it describes a two (2) way voice and digital, wireless telecommunications system. PCS encompasses cordless phones, cellular mobile phone paging systems, personal communications networks, wireless office phone systems and any other wireless telecommunications systems that allow people to place and receive voice/data calls while away from home and office.

17. "Site justification study" means a study performed pursuant to certain requirements which explains the demands and rationale that led to the selection of a particular location and design for a wireless telecommunications facility. The study may include information pertaining to the interrelationship between a specific site and other sites in the local network area.

18. "Stealth" means camouflaged or designed to blend with the surrounding environment and land uses, minimize aesthetic impact on adjacent uses, and conceal the intended use and appearance of the structures.

19. "Tower" means any structure, or support thereto, that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

C. Applicability. The procedures and rules set forth in this Section are applicable to all new wireless telecommunications facilities, and all modifications or additions to existing wireless telecommunications facilities constructed prior to the date the ordinance codified in this Section became effective, in the City of Carson, excepting such facilities where, in the objectively reasonable determination of the Planning Officer, the



installation or modification of the same would have a de minimus impact on the public right-of-way. This Section does not apply to the use or location of private, residential citizen band radio towers, amateur radio service, television antennas, or private residential dish antennas less than one (1) meter in diameter, used for receiving radio frequency or television signals, or public safety communications facilities owned or operated by the City of Carson or any emergency agencies such as the Fire Department or Sheriff's Department.

D. Procedural Standards.

1. Minor Wireless Telecommunications Facilities. Minor wireless communications facilities shall be subject to the approval of a development plan in accordance with the site plan and design review procedures as provided in CMC 9172.23, except that the Planning Division shall be the approval authority except if the property is located within one hundred (100) feet of a residential zone. In considering applications for minor wireless communications facilities, the Planning Division shall be guided by the provisions of subsections F (Design and Development Standards) and H (Required Findings) of this Section.

The Planning Division shall render a decision in writing, with findings, and conditions, subsequent to receipt of a complete application. The Planning Division's decision shall be final unless a written appeal is filed pursuant to CMC 9173.4.

2. Major Wireless Telecommunications Facilities. Major wireless telecommunications facilities shall be subject to the approval of a development plan in accordance with the site plan and design review procedures as provided in CMC 9172.23 and conditional use permit procedures as provided in CMC 9172.21. In considering applications for major wireless communications facilities, the Planning Commission shall be guided by the provisions of subsections F (Design and Development Standards) and H (Required Findings) of this Section. The decision of the Planning Commission shall be final unless a written appeal is filed pursuant to CMC 9173.4.

E. Application Requirements. The following information shall be provided concurrently with any application submitted pursuant to CMC 9173.1:

1. Co-Location Statement (if necessary) – This statement must be signed by all colocating providers agreeing to the co-location.

2. Utility Easement Encroachment Agreement (if necessary) – A letter of consent must be provided by the utility purveyor(s) if their easement will be encroached upon.

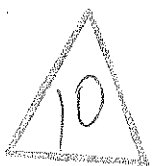
3. Local Facilities Map – Show existing facilities and coverage areas in the City. (At the applicant's request, the City will make every effort to ensure the confidentiality of information which is considered to be of a proprietary nature. Said information will be used for municipal planning purposes only.)

4. Site Justification Study – A study which explains the demands and rationale for selecting a particular location and design for a wireless telecommunications facility. The study may include information pertaining to the interrelationship between a specific site and other sites in the local network area.

F. Design and Development Standards.

1. Setbacks. No wireless telecommunications facility shall be located within or extend into the required setbacks established in the applicable zone.

2. Height.



a. Wireless telecommunications facilities utilizing a freestanding support structure shall be limited to the maximum building height for the applicable zoning district.

b. In zoning districts with no maximum height limit, a wireless telecommunications facility which utilizes a freestanding support structure shall not exceed fifty (50) feet in height above the ground.

c. New wireless telecommunications facilities constructed on existing structures shall not exceed the height of the existing structure, except for roof-mounted facilities on existing buildings which may project up to the maximum height limit described in this Section or five (5) feet above the roof or parapet from where it is attached, whichever is higher.

d. The Planning Commission may consider approval of facilities to exceed the maximum height limit described in this Section 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 this Section. Such conditional use permit for existing facilities lawfully erected prior to July 17, 2003, may authorize a height limit greater than subsection G (Minor Exceptions) of this Section provided there is no expansion or intensification to the facility.

3. Wiring. All electrical and equipment wiring shall be placed underground or concealed within the building or structure in which the facility will be mounted.

4. Painting. The wireless telecommunications facility and supporting structure(s) shall be painted a single, neutral, nonglossy color that matches the color of the structure to be mounted on or to the color of the surrounding environment subject to the satisfaction of the Planning Manager.

5. Lighting. All wireless telecommunications facilities, except exempt facilities, shall be unlit, except for a manually operated or motion-detector controlled light above the equipment door which shall be used only for personnel maintenance purposes. This requirement is not intended to address interior structure lighting.

6. Noise.

a. All wireless telecommunications facilities, except exempt facilities, shall be constructed and operated in such a manner as to meet the requirements of the noise ordinance.

b. Backup generators shall only be operated during power outages and for testing and maintenance purposes.

c. If the facility is located within one hundred (100) feet of a residential dwelling unit, noise attenuation measures, including redesign or screening, shall be included to reduce exterior noise levels to meet the requirements of the noise ordinance.

7. Signs. The display of any sign or any other graphic on a wireless telecommunications facility or on its screening is prohibited, except for signs for health, safety, and welfare purposes, which is required to be posted in case of an emergency. Emergency signs shall be visibly posted at the facility and shall include contact information, including the phone number of the utility provider.

G. Minor Exceptions. The design standards for setbacks and height listed in subsection F of this Section may be modified by not more than twenty (20) percent by



the Planning Commission if at least one (1) of the following findings is made based on evidence submitted by the applicant:

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

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

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

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

H. Required Findings. In addition to the provisions of CMC 9172.21 and 9172.23, the Planning Division or Planning Commission shall approve a development plan and conditional use permit for a wireless telecommunications facility if affirmative findings can be made based upon the following criteria:

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

2. The proposed wireless telecommunications 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.

3. The proposed wireless telecommunications 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.

- I. Maintenance. The site shall be maintained in a condition free of trash, debris, and refuse. All graffiti must be removed within seventy-two (72) hours.

J. Temporary Facilities.

1. The Planning Division may approve, for a period of up to ninety (90) days, a temporary telecommunications facility to provide service while an approved telecommunications facility is being fabricated or when an existing antenna has been damaged or destroyed. The Planning Division may extend the ninety (90) day period at the request of the applicant for thirty (30) day intervals if the applicant can prove that there is a hardship that is delaying the issuance of permits for the permanent facility.

2. The temporary facility may only be approved after the approval authority has approved or conditionally approved an application for a wireless telecommunications facility and the project proponent has signed and returned a copy of the affidavit of acceptance of conditions of approval to the Planning Division.

3. The Planning Division shall approve the actual location and design of the temporary facility consistent with the requirements of subsection F (Design and Development Standards).

4. The Planning Division or Public Safety Division shall have the authority to approve a temporary use permit for wireless telecommunications facilities needed during a declared emergency. Temporary facilities shall be removed not later than ten (10) days after the conclusion of the declared emergency.

K. Nonconforming Facilities. Any facility constructed in violation of this Section, or in violation of any part of this Code, is subject to immediate abatement. Any major telecommunications facility that is lawfully constructed prior to the effective date of this Section, shall be deemed a nonconforming use and will be subject to the provision of CMC 9182.21 and 9182.22.

L. Facility Removal.

1. Discontinued Use/Abandonment. 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 one hundred eighty (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 ninety (90) days after the use is discontinued or abandoned, and shall be performed in accordance with all applicable health and safety requirements.

2. Utility-Mounted Facility Removal or Relocation. All utility-mounted facilities shall be removed or relocated at the facility owner's expense when a City-approved project requires relocation or undergrounding of the utility structure on which the facility is mounted. (Ord. 03-1284, § 5; Ord. 09-1430U, § 3; Ord. 09-1436U, § 3)

*Code reviser's note: Ordinances 09-1430U and 09-1436U amend subsection C of this section on an interim basis and expire August 31, 2010.

the conditions of approval. Therefore all of the required findings pursuant to Section 91723.23(D), "Site Plan and Design Review, Commission Findings and Decision", Section 9172.21(D), "Conditional Use Permit, Commission Findings and Decision", Section 9138.16(G), "Minor Exceptions", and Section 9138.16(H), "Required Findings" can be made in the affirmative.

IV. Environmental Review

Pursuant to Section 15332 of the California Environmental Quality Act (CEQA), the proposed project is considered an in-fill development project. No further significant environmental impacts would result from this proposal.

V. Recommendation

That the Planning Commission:

1. **WAIVE** further reading; and
2. **ADOPT** Resolution No. _____ entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1340-09 AND CONDITIONAL USE PERMIT NO. 810-10 TO PERMIT THE INSTALLATION OF A ROOF-MOUNTED TELECOMMUNICATION FACILITY AND RELATED EQUIPMENT ON A TWO-STORY CHURCH BUILDING LOCATED AT 1361 E. CARSON STREET."

VI. Exhibits

1. Section 9138.16 of the Carson Municipal Code
2. Cellular Telecommunication Facility Coverage Maps for Proposed Project
3. Draft Resolution for Design Overlay Review No. 1287-08
4. Land Use Map
5. Development Plans

Prepared by: _____

Steven C. Newberg, AICP, Associate Planner

Reviewed by: _____

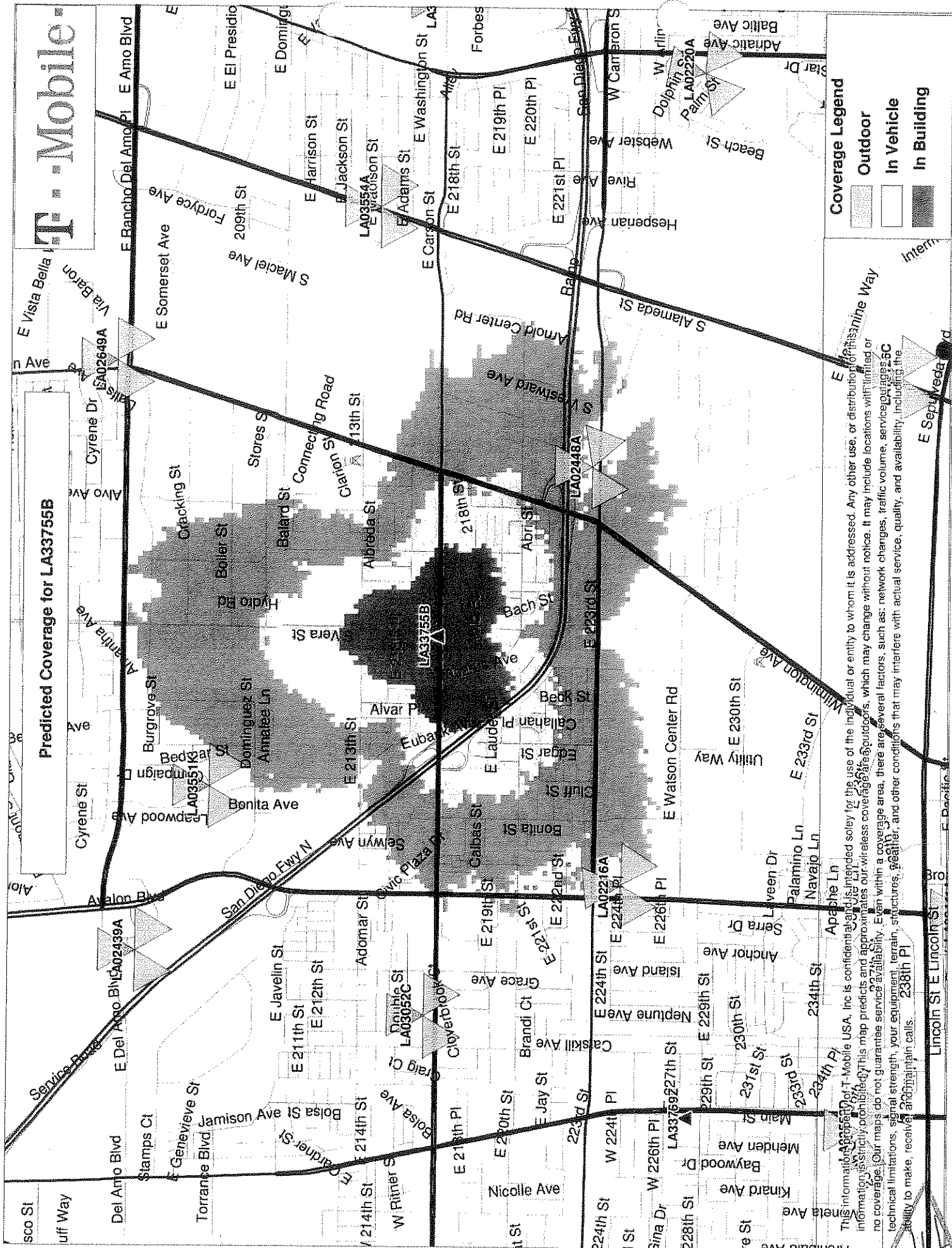
John F. Signo, AICP, Senior Planner

Approved by: _____

Sheri Repp, Planning Officer

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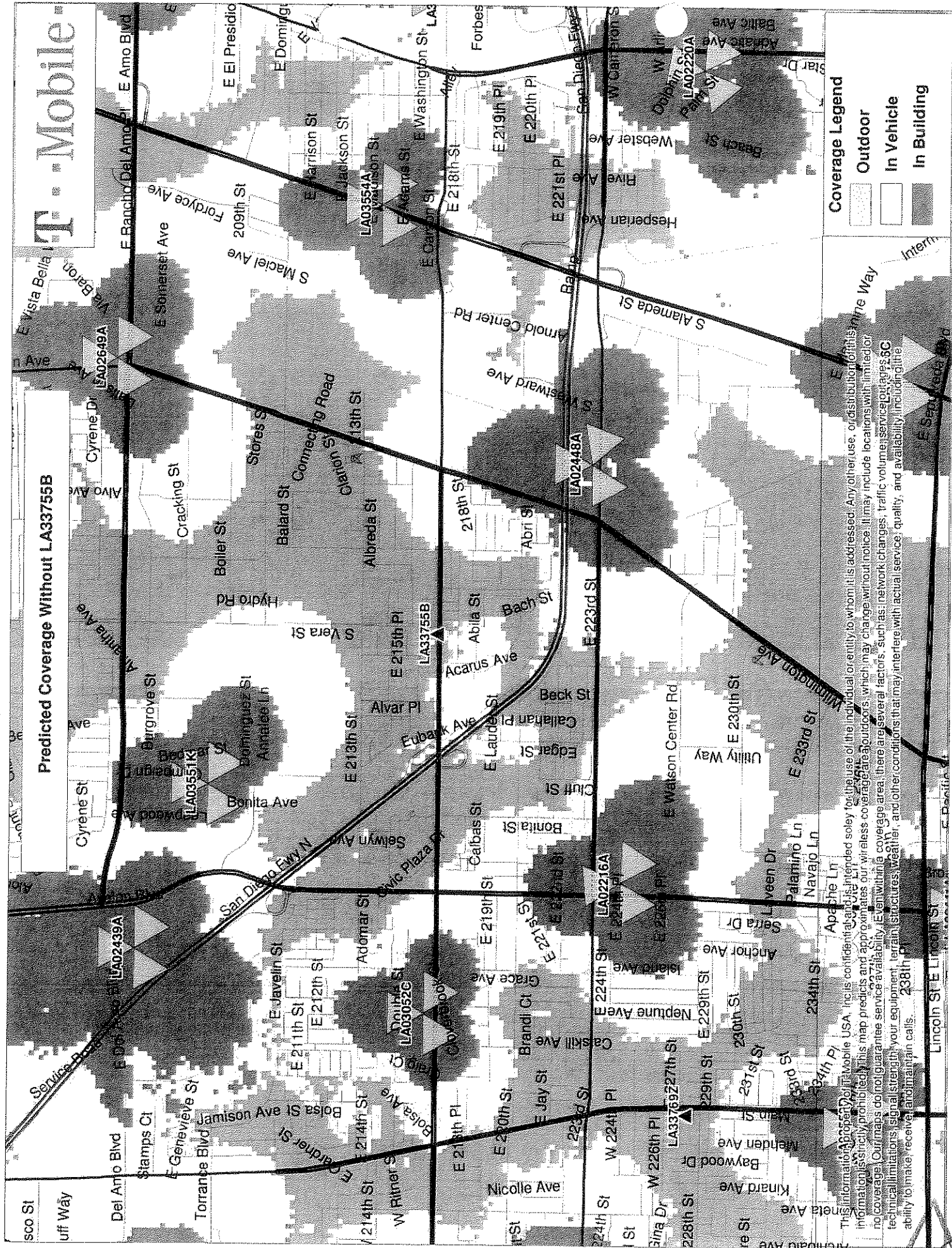
Predicted Coverage Without LA33755B

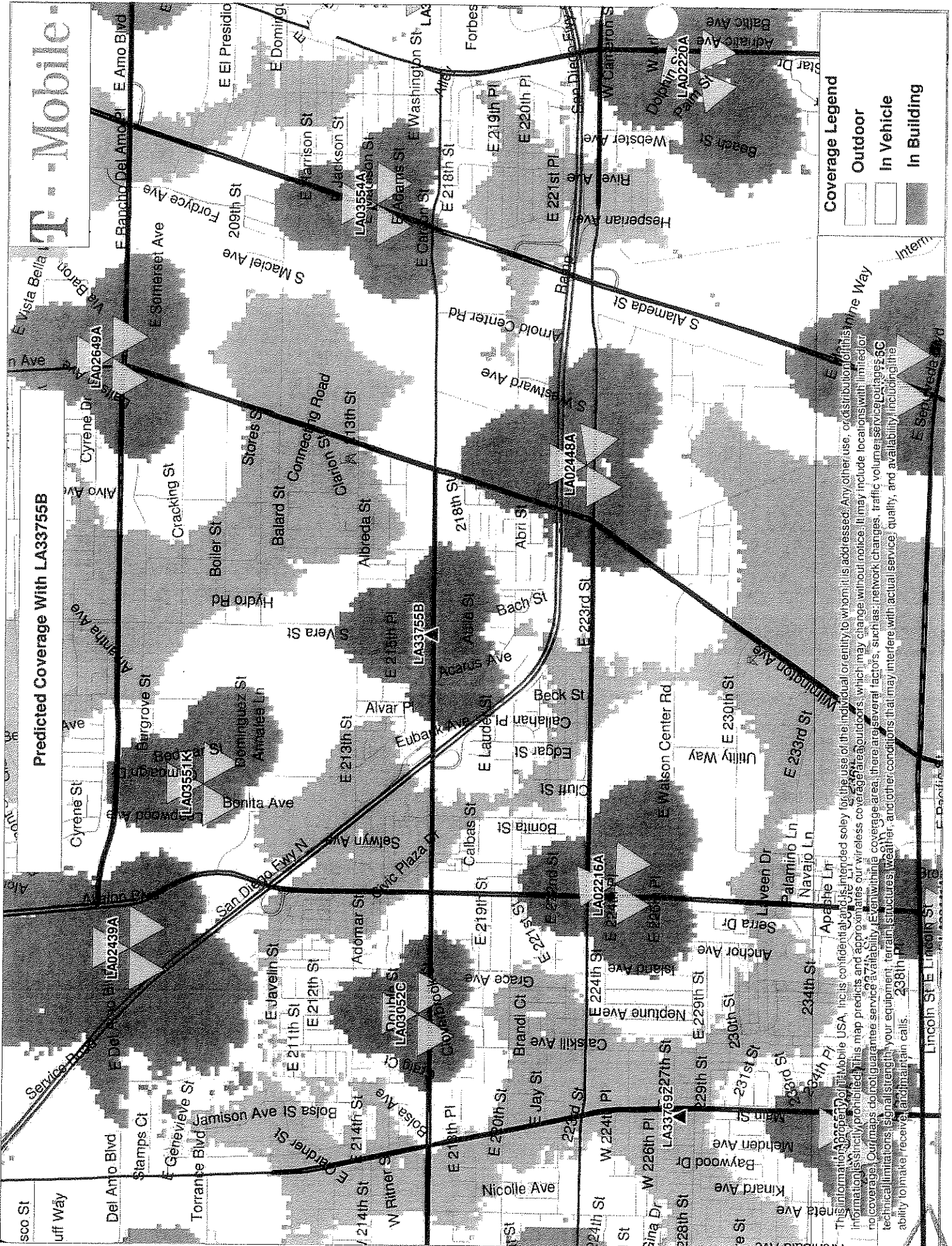
T-Mobile

Coverage Legend

- Outdoor
- In Vehicle
- In Building

This information is provided by T-Mobile USA, Inc. for the use of the individual or entity to whom it is addressed. Any other use, or distribution of this information is strictly prohibited. This map predicts and approximates our wireless coverage area outdoors, which may change without notice. It may include locations with limited or no coverage. Our maps do not guarantee service availability. Even within a coverage area, there are several factors, such as: network changes, traffic volume, service outages, etc. Technical limitations, signal strength, your equipment, terrain, structures, weather, and other conditions that may interfere with actual service, quality, and availability including the ability to make, receive and maintain calls.





Coverage Legend

[Shaded Box]	Outdoor
[Light Gray Box]	In Vehicle
[Dark Gray Box]	In Building

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CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1340-09 AND CONDITIONAL USE PERMIT NO. 810-10 TO PERMIT THE INSTALLATION OF A ROOF-MOUNTED TELECOMMUNICATION FACILITY AND RELATED EQUIPMENT ON A TWO-STORY CHURCH BUILDING LOCATED AT 1361 E. CARSON STREET

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, Reliant Land Services (Ed Gala), on behalf of T-Mobile, with respect to real property located at 1361 E. Carson Street, and described in Exhibit "A" attached hereto, requesting approval of Design Overlay Review No. 1340-09 and Conditional Use Permit No. 810-10 for a roof-mounted cellular telecommunication facility and related equipment within a church building and within 100 feet of a residential zone on a property in the CG-D (Commercial, General – Design Overlay) zoning district and within Redevelopment Project Area No. 4.

A public hearing was duly held on May 25, 2010, 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 General Commercial which is consistent with the zoning designation of CG-D (Commercial, General – Design Overlay). The subject property abuts the backyards of single-family homes with approximately 30 feet of separation between the church building and the homes. The development plans include a stealth design with adequate screening of the proposed facility from public view, consistent with standards outlined in Section 9138.16. As such, the proposed use is compatible with the General Plan and surrounding uses. There is no specific plan for the area.
- b) The church building is 28 feet, 4 inches in height, consistent with municipal code requirements for commercial zones. The parapet used to screen the proposed facility will be finished at a height of 35 feet which is permitted by Section 9138.16, provided the facility utilizes the existing architecture of the building and is incorporated as a stealth design, so no visual impacts are present from the increased height.
- c) 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 street will



not be adversely impacted. Parking for the church use has been adequately provided. Safety and convenience of vehicular and pedestrian access is provided with the on-site private driveway.

- d) Signage is not proposed for the cellular facility other than what is required for safety purposes for the equipment cabinets. The color of the parapet will match the color and texture of the church building. The equipment cabinetry will be located in a second floor space within the building.
- e) The proposed height of the telecommunications facility is consistent with Section 9138.16 F(2) of the CMC in that an additional 20 percent in height may be granted with approval of a conditional use permit, provided that the facility is stealthed and compatible with the surroundings.
- f) The additional height is required for the parapet to provide adequate screening of the proposed facility, and visual impacts caused by the additional parapet height are negligible because the facility is designed to architecturally integrate with the surrounding environment.
- g) The 0.41-acre project site is rectangular and flat with adequate utilities to accommodate the church use and proposed development.
- h) The driveway widths are provided on the site. Appropriate easements are available for circulation and to ensure safety for pedestrians and motorists. Generally, the project will not affect or impact the safe circulation of either pedestrians or vehicular traffic as the facility is unmanned with only occasional maintenance visits.
- i) Prior to the issuance of building permits, the Los Angeles County Fire Department will ensure adequate water supply for fire protection is provided.
- j) The wireless facility is a new building-mounted and stealthed facility designed to minimize the visual impact on the surrounding properties and from public streets. The applicant considered co-location in the vicinity and found it not to be infeasible. The proposed location is not located on a residential dwelling or in a residential zone.
- k) The subject property is located within Redevelopment Project Area No. 4. The proposed project meets all applicable design standards and guidelines of the Municipal Code.

Section 4. The Planning Commission further finds that the proposed use will not have a significant effect on the environment. The proposed use will not adversely affect the character of the surrounding area and will meet or exceed all City standards for protection of the environment. Therefore, the proposed project is found to be exempt pursuant to the California Environmental Quality Act (CEQA), Section 15332, In-fill Development Projects.

Section 5. Based on the aforementioned findings, the Commission hereby approves Design Overlay Review No. 1340-09 and Conditional Use Permit No. 810-10 with respect to the property 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.

PASSED, APPROVED AND ADOPTED THIS 25th DAY OF MAY, 2010

CHAIRMAN

ATTEST:

SECRETARY



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "A"

LEGAL DESCRIPTION

Design Overlay Review No. 1340-09; Conditional Use Permit No. 759-09
Conditional Use Permit No. 810-10

Property Address: 1361 E. Carson Street

The land referred to as parcel no. 7337-005-022 is situated in the County of Los Angeles, State of California and is described as follows:

Parcel No. 1 of Parcel Map No. 3808 in the City of Carson, County of Los Angeles, State of California, as per Map filed in Book 41, Page 65 of Parcel Maps, in the Office of the County Recorder of said County.



CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 1340-09
CONDITIONAL USE PERMIT NO. 810-10

GENERAL CONDITIONS

1. If a building permit for Design Overlay Review No. 1340-09 and Conditional Use Permit No. 810-10 is not obtained within one year of their effective dates, 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 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. 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. 1340-09 and Conditional Use Permit No. 810-10. 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.

PLANNING

10. The wireless telecommunication facility shall not exceed a total height of 35 feet, including necessary screening and stealthing.
11. All regulations and guidelines of the Federal Communication Commission (FCC) shall be strictly enforced.
12. In the event that this facility causes interference or disturbance with radio or television reception within a 500-foot radius of the facility, the applicant shall repair the facility within 30 days of the notification or cease its operation.
13. The antennas, parapet screen extensions, and equipment cabinetry located within the building shall be maintained in good condition at all times.
14. Lawfully erected wireless communication facilities that are no longer being used shall be removed from the premises, no later than 30 days after the discontinuation of use. Such removal shall be in accordance with proper state and federal health and safety requirements. Any removal of facilities will require that the applicant or property owner provide improvements, including landscaping, that existed prior to the erection of the telecommunications facility.



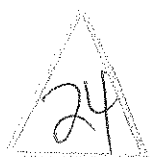
15. The Planning Division shall monitor the subject facility to assure adequacy of maintenance and condition of the telecommunication facility, including, but not limited to the condition of materials used to form the parapet extension screens. A revocation of this authorization shall be requested by the Planning Division if the facility is found to be in poor condition or repair. The applicant shall be provided with a minimum 30-day notice detailing the concerns or areas requiring correction prior to the Planning Commission conducting a hearing on said revocation.
16. The display of any sign or any other graphic on a wireless telecommunications facility or on its screening is prohibited, except for signs for health, safety, and welfare purposes, which is required to be posted in case of an emergency. Emergency signs shall be visibly posted at the facility and shall include contact information including the phone number of the utility provider.
17. All wireless telecommunication facilities shall be constructed and operated in such a manner as to meet the requirements of the Noise Ordinance.
18. Backup generators shall only be operated during power outages and for testing and maintenance purposes.
19. Future modifications to the approved development plans, including the installation of additional panels and equipment cabinetry, shall be subject to Planning Division review and approval. If deemed to be a major modification, the Planning Commission shall be the approval authority.
20. Should an electrical line be required to connect the facility to any new or existing power pole, said electrical line shall be placed underground.
21. The specification of all colors and materials must be non-reflective and submitted and approved by the Planning Division prior to the issuance of any building permits. The colors of the parapet screening walls of the roof-mounted telecommunications panels and related structures must match the color of the church building, subject to review and approval of the Planning Division..

BUILDING AND SAFETY

22. Submit for plan check, obtain all building permits and have a final inspection conducted for proposed project.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

23. Battery backup and storage areas shall be constructed and maintained in compliance with Article 64 of the uniform Fire Code (UFC).



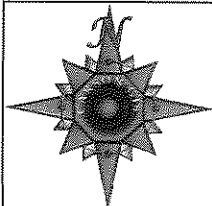
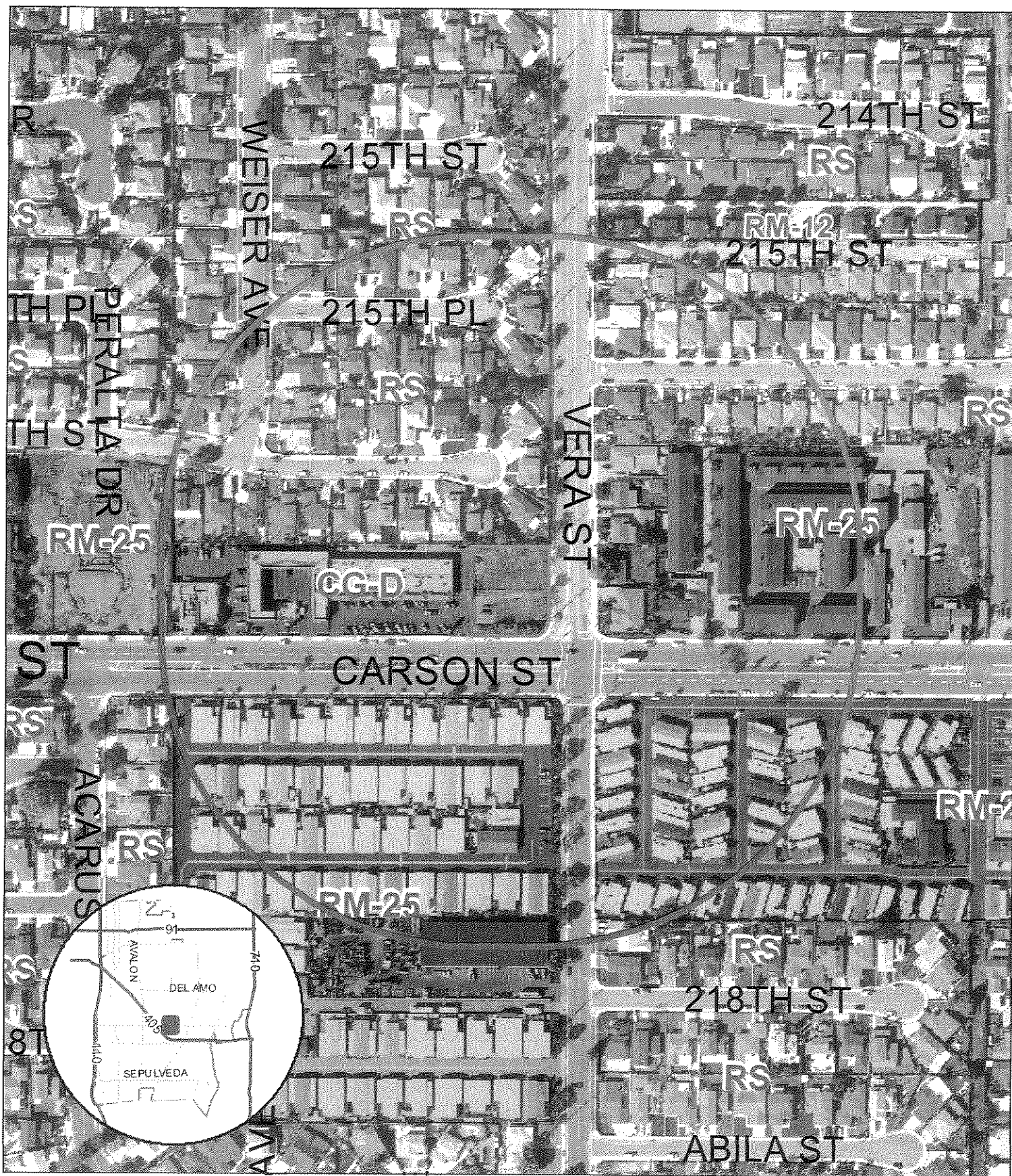
ENGINEERING SERVICES

24. Any city-owned improvement damaged during the construction of the proposed project shall be removed and reconstructed per City Standard Plan and to the satisfaction of the City Engineer prior to the issuance of a building permit.
25. Prior to the 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.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

26. Per section 6310 of the Carson Municipal Code, all parties involved in the installation of the telecommunication facility to be located at 1361 E. Carson Street, including but not limited to contractors and subcontractors, will need to obtain a City Business License.





City of Carson
 500 Foot Radius Map
 1361 E Carson St

EXHIBIT NO. 4 -