



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: September 28, 2010

SUBJECT: Design Overlay Review No. 1357-10; Conditional Use Permit No. 800-10; Conditional Use Permit No. 801-10; and Variance No. 518-10

APPLICANT: Tim Miller, Trillium Telecom Services, LLC
5912 Bolsa Avenue, Suite 202
Huntington Beach, CA 92649

PROPERTY OWNER: Alex Da Silva
21130 South Main Street
Carson, CA 90746

REQUEST: To permit a new 60-foot-high mono-eucalyptus wireless telecommunications facility on a property located in the ML-D (Manufacturing, Light – Design Overlay) zone and within the Redevelopment Project Area No. 1

PROPERTY INVOLVED: 21130 South Main Street

COMMISSION ACTION

☐ Concurred with staff

☐ Did not concur with staff

☐ Other

COMMISSIONERS' VOTE

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

Item No. 11E

I. Introduction

The applicant, Tim Miller of Trillium Telecom Services, LLC is requesting approval of Design Overlay Review (DOR) No. 1357-10, Conditional Use Permit (CUP) No. 800-10, CUP No. 801-10 and Variance (VAR) No. 518-10 on behalf of T-Mobile to permit a new 60-foot-high mono-eucalyptus wireless telecommunications facility located at 21130 South Main Street. The applicant also requests a variance from Carson Municipal Code (CMC) Section 9146.23 – Front Yard to reduce the landscape requirement in the front yard from twenty (20) feet to five (5) feet.

The subject property is zoned ML-D (Manufacturing, Light - Design Overlay) and has a General Plan land use designation of Light Industrial. The subject property is within the Redevelopment Project Area 1B.

The site is bound by single family residences to the east and industrial uses to the north and south. Across Main Street to the west are industrial uses.

II. Analysis

Wireless Telecommunication Facilities Requirements

CMC Section 9138.16 requires that all major wireless telecommunication facilities be subject to the approval of a Site Plan and Design Review and CUP procedures. Section 9138.16 F(2) also states that the Planning Commission may consider approval of facilities that exceed maximum height limits up to 20 percent with the approval of an additional conditional use permit.

Conditional Use Permits

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 Light Industrial and zoned ML-D (Manufacturing, Light – Design Overlay). The site is currently occupied by Rio Stones, Inc., an importer of natural stones. The addition of a new mono-eucalyptus wireless telecommunications facility would be consistent with the General Plan and the surrounding development.

The property site is occupied by an existing showroom/office building and canopy. The existing canopy encroaches to the side yard setback and must be modified to provide a minimum 10-foot setback from the property line for compliance with the CMC. City records show that the existing canopy was constructed without building permits and the building permits for the existing showroom/office building was never finalized, therefore a condition will be added requiring the property owner to submit plans for building permits for all unpermitted structures on-site. With the conditions



requiring all unpermitted structures be permitted, the proposed use and development will be consistent with the General Plan.

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

The proposed project meets the City's design and development standards. With the approval of an additional CUP, the proposed wireless facility may exceed the maximum height limit up to 20 percent. The applicant has submitted an additional CUP for Planning Commission consideration.

In addition, the applicant proposes to construct 5 feet of landscaping within the front yard instead of the required minimum of 20 feet of landscaping, thus the applicant is requesting a variance. Further details regarding the variance are discussed below.

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, located in the rear of the property behind the main building and will only have 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 and available.

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 1. The proposed project meets all applicable design standards and guidelines of the Municipal Code. The new wireless facility will be camouflaged as a eucalyptus tree and 5 feet of landscaping will be provided within the front yard setback. The wireless facility and equipment are proposed within the rear of the property and is not visible from the public right-of-way. The proposed development is 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).

Pursuant to Section 9138.16(H), Wireless Telecommunications Facilities, 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:

1. The proposed site is the best alternative after considering co-location with another facility and location at another site.
2. 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

stealththing 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 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 new mono-eucalyptus wireless facility is proposed within the rear of the property site blends in with the surrounding environment. The facility will not be located on any residential dwelling, but will be less than 100 feet from a residential use. Neighboring residents have been notified and are aware of the proposed project. The proposed site is the best alternative for the proposed facility and the location allows the service provider to provide coverage in underserved areas within the city.

All of the required findings pursuant to Section 9172.21(D), "Conditional Use Permit, Commission Findings and Decision" and Section 9138.16(H), "Wireless Telecommunications Facilities, Required Findings" can be made in the affirmative.

Variance

Section 9172.22 of the Carson Municipal Code states a variance "shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification." In making its decision, the Planning Commission shall adopt written findings with respect to this requirement.

The size, shape, and topography of the project site are similar in nature to the other adjacent and surrounding light industrial sites. However, the site is unique in that it provides a longer front yard than the surrounding industrial sites. A majority of the properties directly east of Main Street between 215th and the Torrance lateral have fairly narrow lots, including the property site.

The strict application of the minimum landscaping requirements within the front yard (20 feet) deprives the property of privileges enjoyed by other property in the vicinity. Other properties within the near vicinity have been allowed to continue indefinitely with a reduced landscaping requirement of 5 feet. Recently, two other properties with the same zoning designation and within the surrounding area have been given the privilege of a reduced landscaping requirement (21226 S. Main Street and 20836 S. Main Street) of 5 feet. In addition, a 5-foot landscaping setback is appropriate for the site and is consistent with the intended character of the area.

Staff recommends the approval of the variance since findings can be made in the affirmative to support the approval of the variance. The site is unique in size and shape and other properties in the near vicinity with same zoning designation are given the same privileges.



III. Environmental Review

Pursuant to Section 15303 – New Construction (Class 3) of the California Environmental Quality Act (CEQA), the construction of a new 60-foot high wireless telecommunications facility is exempt and does not have the potential to cause a significant effect on the environment.

IV. Recommendation

That the Planning Commission:

- APPROVE the proposed project subject to the conditions of approval attached as Exhibit "B" to the Resolution; and
- WAIVE further reading and ADOPT Resolution No. 10-____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 800-10, CONDITIONAL USE PERMIT NO. 801-10, AND VARIANCE NO. 518-10 AND RECOMMENDING APPROVAL OF DESIGN OVERLAY REVIEW NO. 1357-10 TO THE CARSON REDEVELOPMENT AGENCY FOR A NEW MONO-EUCALYPTUS WIRELESS TELECOMMUNICATIONS FACILITY LOCATED AT 21130 SOUTH MAIN STREET."

V. Exhibits

1. Draft Resolution
2. Site Map
3. Development Plans

Prepared by:


Sharon Song, Associate Planner

Reviewed by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp, Planning Officer

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 10-XXXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 800-10, CONDITIONAL USE PERMIT NO. 801-10, AND VARIANCE NO. 518-10 AND RECOMMENDING APPROVAL OF DESIGN OVERLAY REVIEW NO. 1357-10 TO THE CARSON REDEVELOPMENT AGENCY FOR A NEW MONO-EUCALYPTUS WIRELESS TELECOMMUNICATIONS FACILITY LOCATED AT 21130 SOUTH MAIN 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, Tim Miller (Trillium Telecom Services, LLC) on behalf of T-Mobile, with respect to real property located at 21130 South Main Street, and described in Exhibit "A" attached hereto, approving Conditional Use Permit No. 800-10, Conditional Use Permit No. 801-10, and Variance No. 518-10 and requesting approval for Design Overlay Review No. 1357-10 for a new 60-foot-high mono-eucalyptus wireless telecommunications facility on a property located in the ML-D (Manufacturing, Light – Design Overlay) zone and within Redevelopment Project Area 1.

A public hearing was duly held on September 28, 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 Light Industrial which is compatible with the proposed use. The development of a mono-eucalyptus wireless telecommunication facility will be consistent with the surrounding light industrial uses and is appropriate for the subject property as proposed;
- b) The project is compatible in design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open spaces and other features relative to a harmonious and attractive development of the area;
- 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 primarily light industrial and single-family residential. The proposed project is compatible with those uses. The property is used by Rio Stones, a stone importer;



- 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;
- e) The proposed mono-eucalyptus wireless telecommunication facility is located to minimize the visual impact on surrounding properties and from public streets, including camouflaging the facility as a eucalyptus tree;
- f) 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 Carson Municipal Code (CMC) Section 9172.21(D), "Conditional Use Permit", and CMC Section 9138.16(H), "Wireless Telecommunication Facilities" are made in the affirmative; and
- g) The site is unique in size and shape and other properties in the near vicinity with the same zoning designation are given the same privileges. The strict application of the minimum landscaping requirements within the front yard (20 feet) deprives the property of privileges enjoyed by other property in the vicinity. Other properties within the near vicinity have been allowed to continue indefinitely with a reduced landscaping requirement of 5 feet.

Section 4. The Planning Commission further finds that the proposed project will not have a significant effect on the environment. The proposed use will not alter 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 under the California Environmental Quality Act (CEQA), Section 15303, New Construction.

Section 5. Based on the aforementioned findings, the Commission hereby approves Conditional Use Permit No. 800-10, Conditional Use Permit No. 801-10, and Variance No. 518-10 and recommends approval of Design Overlay Review No. 1357-10 to the Carson Redevelopment Agency with respect to the properties described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

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

Section 7. This action shall become final and effective fifteen days after the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 28th DAY OF September, 2010

CHAIRMAN

ATTEST:

SECRETARY



EXHIBIT "A"

All that certain real property situated in the County of Los Angeles, State of California, described as follows:

Parcel 1:

Lots 19 and 20 in Block I, Tract No. 8245, in the City of Carson, County of Los Angeles, State of California, as per map recorded in Book 93, Pages 36 to 38 inclusive of Maps, in the Office of the County Recorder of said County.

Parcel 2:

The Westerly 125 feet of Lot 48 of Tract No. 5927, in the City of Carson, County of Los Angeles, State of California, as per map recorded in Book 64, Page 58 of Maps, in the Office of the County Recorder of said County.

Parcel 3:

Lots 1 and 2 of Tract No. 8018, in the City of Carson, County of Los Angeles, State of California, as per map recorded in Book 165, Pages 30 and 31 of Maps, in the Office of the County Recorder of said County, together with that portion of the certain alley adjacent to said land on the east dedicated by the map of said Tract No. 8018, vacated by resolution No. 141, a certified copy of which was recorded October 21, 1968, as Instrument No. 2988, of Official Records, which would pass with the legal conveyance of said land.

Parcel 4:

Lot 3 of Tract No. 8018, in the City of Carson, County of Los Angeles, State of California, as per map recorded in Book 165, Pages 30 and 31 of Maps, in the Office of the County Recorder of said County, together with that portion of the certain alley adjacent to said land on the east dedicated by the map of said Tract No. 8018, vacated by resolution No. 141, a certified copy of which was recorded October 21, 1968, as Instrument No. 2988, of Official Records, which would pass with the legal conveyance of said land.



CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"

CONDITIONS OF APPROVAL

DESIGN OVERLAY REVIEW NO. 1357-10

CONDITIONAL USE PERMIT NO. 800-10

CONDITIONAL USE PERMIT NO. 801-10

VARIANCE NO. 518-10

GENERAL CONDITIONS

1. If a building permit plan check submittal proposing the implementation of Design Overlay Review No. 1357-10, Conditional Use Permit No. 800-10, Conditional Use Permit No. 801-10, and Variance No. 518-10 is not submitted to the City of Carson within one year of its effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The 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. 1357-10, Conditional Use Permit No. 800-10, Conditional Use Permit No. 801-10, and Variance No. 513-10. 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. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
11. 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.
12. The wireless telecommunication facility shall not exceed 60 feet in height, up to and including the faux branches and leaves.
13. The property owner and/or applicant shall provide a minimum of five (5) feet of landscaping within the front yard setback. All landscape plans shall be approved and reviewed by the Planning Division prior to construction.

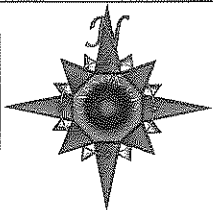
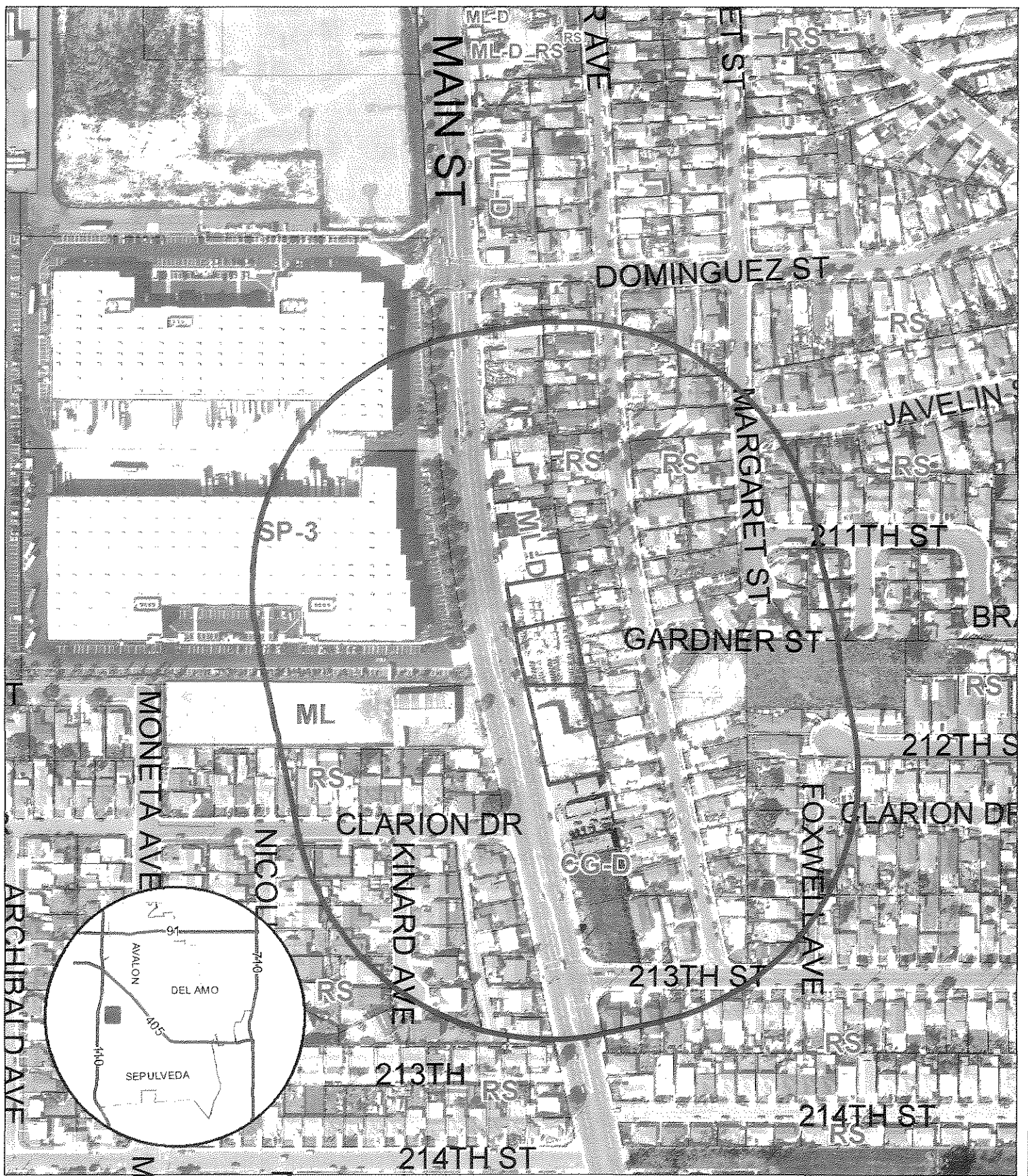


14. The facility shall be a minimum of 10 feet from the rear property line, including branches, antennae extensions, and any other components of the facility. The site plan shall be revised and submitted to the Planning Division prior to submitting for building permits.
15. Prior to construction, all unpermitted structures on-site, including the existing canopy and showroom/office building must be permitted by Planning and Building and Safety.
16. 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 major modifications, the Planning Commission shall be the approval authority.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

17. Per section 6310 of the Carson Municipal Code, all parties involved in the construction of the mono-broadleaf telecommunication facility to be located at 21136 S. Wilmington Avenue, including but not limited to contractors and subcontractors, will need to obtain a City Business License.





City of Carson EXHIBIT NO. 2 -
 500 Foot Radius Map
 21130 Main St

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