



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS CONSENT: October 26, 2010

SUBJECT: Modification No. 1 to Design Overlay Review No. 904-05

APPLICANT: Don Williams (Blackdot Wireless) for Clearwire Communications
27271 Las Ramblas, Suite 200
Mission Viejo, California 92691

REQUEST: To modify existing approved development plans by installing an additional roof-mounted cellular telecommunication facility and related equipment within an existing office and auto repair building in the CG-D (Commercial, General – Design Overlay) zone and within Redevelopment Project Area No. 4.

PROPERTY INVOLVED: 22029 Figueroa Street

COMMISSION ACTION

☐ Concurred with staff

☐ Did not concur with staff

☐ Other

COMMISSIONERS' VOTE

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

Item No. 9B

I. Introduction

This item is a request for the Planning Commission to consider and approve the following development application for the property located at 22029 Figueroa Street:

- Modification No. 1 to Design Overlay Review (DOR) No. 904-05 – Roof-mounted cellular telecommunication facility and related equipment within existing office building within 100 feet of a residence.

Section 9131.1 of the Carson Municipal Code (CMC) subjects new minor cellular telecommunication facilities in the CG-D zone to requirements outlined in Section 9138.16 of the CMC, but does not require a conditional use permit for wireless facilities deemed to be minor in nature (i.e. building-mounted and stealthed).

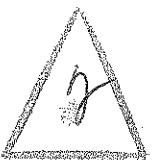
The DOR application is analyzed in this report because Section 9138.16 of the CMC requires that a Site Plan and Design Review be conducted for minor wireless facilities and that the Planning Commission be the approval authority if the proposed site is within 100 feet of existing residential development.

II. Background

The subject property for the proposed project is located at 22029 Figueroa Street, on the west side of Figueroa Street between 220th Street and 223rd Street. The subject property is approximately 39,000 square feet (0.89 acres) in area. A crème-colored stucco two-story, 30-foot high office building constructed in 1996 is located on the west side of the subject property. The roof of this structure is flat with parapets extending to five feet above the roof to shield the view of the existing telecommunications facilities built in 2006 which are located on the northeast and northwest sides. The additional cellular telecommunications facility is proposed to be constructed on the north and south ends of this building. A single-story, approximately 4,000-square-foot building is located on the east side of the subject property. There is adequate parking and landscaping located on the property, consistent with applicable municipal codes.

The Planning Commission adopted Resolution No. 05-2062 (Exhibit No. 1) on December 13, 2005, thereby approving Design Overlay Review No. 904-05, for the construction of roof-mounted cellular telecommunication facilities stealthed behind parapet extensions on the existing two-story office and auto repair building. Condition No. 3 of Resolution No. 05-2062 requires that the Planning Commission approve substantial modifications to the approved development plans.

There are two existing parapet extensions, five feet in height, located on the northeast and northwest sides of the building, visible from Figueroa Street (east) and the 110 Freeway (west). These were constructed for previously approved cellular facilities in 2006 that are currently in operation (Design Overlay Review No. 904-05). There are two telecommunication panels located behind the existing parapet extension on the west side and one panel behind the eastern parapet. Each panel houses four antennae. Existing equipment cabinetry is located within a tenant space inside on the ground floor of the building.



The applicant proposes to construct additional similarly designed parapets with additional telecommunication panels on the south and north ends of the building, and place their equipment cabinetry on top of the roof behind the south parapet. The new parapet on the south end of the building will be placed three feet back from the building edge to provide some architectural relief on the south elevation and to maximize the distance from the proposed telecommunication panels and the nearest residence, while still providing the most efficient wireless service coverage. In total, including the existing and proposed cellular telecommunication facilities, there will be four parapet extensions atop the existing two-story structure housing a total of 18 panel antennae and 3 microwave dishes.

III. Analysis

Modification No. 1 to Design Overlay Review No. 904-05

The applicant, Clearwire Communications, proposes to construct additional parapets to screen panel antennas that will be installed along the north and south ends of the building. The proposed parapets will match those that currently screen the existing cell panels on the east and west sides of the building. All necessary telephone and electric cabling will be placed in conduits along the building roof-top and connected to the new equipment cabinetry mounted on the rooftop behind the south parapet.

Findings: Modification No. 1 to Design Overlay Review 904-05

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 facade remodel and related improvements 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 (Commercial, General – Design Overlay) and has a General Plan Land Use designation of GC (General Commercial), which is consistent with the zoning designation. Surrounding uses include a three-story residential development, Stephen M. White public middle school and retail commercial. The proposed use is compatible with the General Plan and surrounding uses. 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.

- 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 existing office structure is 30 feet 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 an existing office building.

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

The signage exists 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 existing building. The equipment cabinetry will be located on the rooftop behind the proposed parapet extension on the south side existing office 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.*

There are existing cellular facilities located atop the office and auto repair building. The subject proposal is consistent with required findings found in Section 9138.16 in that it promotes co-location by occupying additional space on a building rooftop currently being used by another similar facility.

Required Findings: Section 9138.16(H): Cellular telecommunication facilities

Pursuant to CMC section 9138.16(H), Cellular Telecommunication Facilities, the Planning Commission may approve the proposed use 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;*

The subject property is zoned CG-D (Commercial, General – Design Overlay) and has a General Plan Land Use designation of GC (General Commercial), which is consistent with the zoning designation.

b). *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;*



The proposed project will be located and designed to minimize the visual impact on surrounding properties and from public streets, including adequate screening and stealthing of the proposed facility through use of materials, colors, and architectural design within the structure upon which it will be mounted.

- c). *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;*

The development proposals involve being located atop an existing building built specifically for office and/or commercial uses. There is no residential dwelling on the subject property.

IV. Environmental Review

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

V. Recommendation


That the Planning Commission:

- **APPROVE** Modification No. 1 to Design Overlay Review No. 904-05; and
- **WAIVE** further reading and ADOPT a Resolution No. _____, entitled, "A Resolution of the Planning Commission of the City of Carson approving Modification No. 1 to Design Overlay Review No. 904-05 to install an additional roof-mounted cellular telecommunication facility consisting of three panels behind two parapet extensions on an existing two-story office and auto-repair building located at 22029 Figueroa Street."

VI. Exhibits

1. Planning Commission Resolution No. 05-2062 dated December 13, 2005.
2. Staff Report for Design Overlay Review No. 904-05 dated December 13, 2005 (without exhibits).
3. Excerpt of Planning Commission Minutes dated December 13, 2005.
4. Draft resolution.
5. Development Plans

Prepared by: 
Steven C. Newberg, AICP, Associate Planner

Reviewed by: 
John F. Signe, AICP, Senior Planner

Approved by: 
Sheri Repp, Planning Officer

sn/mod1d90405p_102610

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 05-2062

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
CARSON APPROVING DESIGN OVERLAY REVIEW NO. 904-05.**

**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, Ramon Salazar for Cingular Wireless, with respect to real property located at 22029 South Figueroa Street, and described in Exhibit "A" attached hereto, requesting the approval of a Site Plan and Design Review to install a rooftop mounted wireless telecommunications facility on an existing building in the CG-D (Commercial, General – Design Overlay) zone and within Redevelopment Project Area No. 4. The project site is located less than 100' from residential property and requires Planning Commission approval subject to Section 9172.23 of the Carson Municipal Code.

A public hearing was duly held on December 13, 2005, at 6:30 P.M. at City Hall, Executive Conference Room, 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.

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

Section 3. Pursuant to Section 9172.23(D), "Site Plan and Design Review, Approval Authority and Findings and Decision" and Section 9138.16(H), "Wireless Telecommunication Facilities", 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, residential and institutional uses and is appropriate for the subject property as proposed. The proposed project will not adversely affect residential property located less than 100 feet away.
- 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 site is 12,353 square feet in size, flat and located in a commercial zone;
- 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;

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- 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 site is the best alternative after considering co-location with another facility and location at another site;
- g) The proposed wireless telecommunication facility is located and designed to minimize the visual impact on surrounding properties and from public streets, including stealthing which includes rooftop mounting and screening. The proposed facility will be located on a commercial building;
- h) The proposed wireless telecommunication facility meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations. Therefore all of the required findings pursuant to Section 9172.23(D), "Site Plan and Design Review, Approval Authority and Findings and Decision" and Section 9138.16(H), "Wireless Telecommunication Facilities" are made in the affirmative.

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

Section 5. Based on the aforementioned findings, the Commission hereby grants Design Overlay Review No. 904-05 and 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 13th DAY OF DECEMBER, 2005

CHAIRMAN

ATTEST:

SECRETARY

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CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: December 13, 2005

SUBJECT: Design Overlay Review No. 904-05 and
Conditional Use Permit No. 594-05

APPLICANT: Cingular Wireless
12900 Park Plaza Drive 3rd Floor
Cerritos, CA 90703

REPRESENTATIVE: Ramon Salazar
6077 Risingstar Drive
Corona, CA 92880

REQUEST: To install a rooftop mounted wireless
telecommunications facility in the CG-D
(Commercial, General – Design Overlay) zone and
within Redevelopment Project Area No. 4.

PROPERTY INVOLVED: 22029 South Figueroa Street

COMMISSION ACTION

☒ Concurred with staff

☐ Did not concur with staff

☐ Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
✓		Cottrell – Chairperson	✓		Hudson
✓		Pulido – Vice-Chairman	✓		Saenz
Absent		Diaz	✓		Verrett
Absent		Embisan	Abstain		Wilson
✓		Faletogo			

Item 11A

EXHIBIT NO. 2 -



I. Introduction

Date Application Received

- May 23, 2005: Conditional Use Permit No. 594-05 and Design Overlay Review No. 904-05

Applicant

- Cingular Wireless: 12900 Park Plaza Drive 3rd Floor; Cerritos, CA 90703

Representative

- Ramon Salazar: 6077 Risingstar Drive; Corona, CA 92880

Property Owner

- Craig Ekberg: 22029 South Figueroa Street; Carson, CA 90745

Project Address

- 22029 South Figueroa Street

Project Description

- Proposal is for the installation of a rooftop mounted wireless telecommunications facility on an existing building in the CG-D (Commercial, General – Design Overlay) zone and within Redevelopment Project Area No. 4;
- The proposed screening walls will be five (5) feet above the existing parapet; the overall height will be 35 feet above finished grade;
- The facility includes 12 panel antennas in three (3) sectors in order to serve customers on the 110 Freeway as well as in the City of Carson and surrounding areas;
- The facility is expected to have a coverage radius of approximately 4,300 feet;
- The equipment cabinet will be located inside the building; and
- The proposal includes the following discretionary requests:
 - *Site Plan and Design Review*: Pursuant to Section 9138.16.D, the facility is considered a minor wireless telecommunication facility because it is roof-mounted and stealthed. The Planning Commission has the approval authority because the proposed facility is located less than 100 feet from a residential zone; and
 - *Conditional Use Permit*: The proposed project was issued a Conditional Use Permit number and noticed for a public hearing before the Planning Commission because it is located less than 100 feet from a residential zone. However, upon further review of Telecommunication Ordinance No. 03-1284, the proposal is only subject to Site Plan and Design Review and not a Conditional Use Permit. The approving authority for the Site Plan and Design Review is the Planning Commission. No action is necessary for the Conditional Use Permit and excess fee payment will be refunded to the applicant.

II. Background

Previous Uses of Property

- A-1 All-American Roofing Company, Inc. currently operates at the site in an 11,750 square foot two-story building. A 3,775 square foot commercial structure built in the late 1940's is located to the east of the proposed site. A 60' high monopole approved in 1991 is located north of the two-story building.

Previously Approved Discretionary Permits

- Design Overlay Review No. 211-83 - To construct a batting cage facility. The facility has been removed.
- Design Overlay Review No. 529-90 / Conditional Use Permit No. 370-90 - Site plan and design review and conditional use permit for a 60' high monopole and telecommunications facility.
- Design Overlay Review No. 625-96 - Site plan and design review for the construction of a two-story, 11,750 square foot commercial building. Approved by the Planning Commission on May 28, 1996.

Public Safety Issues

- After consulting with the Public Safety Department it was determined that there have not been nor are there any current zoning code enforcement cases associated with this property.

III. Analysis

Location/Site Characteristics/Existing Development

- The subject property is located at 22029 South Figueroa Street in the City of Carson, between 220th Street and 223rd Street;
- The parcel is occupied by two commercial buildings and a monopole and telecommunications facility;
- Adjacent to the subject property is the Harbor Freeway entrance and the Peace and Joy Christian Church to the north; a condominium complex is to the south; a commercial strip center and Stephen M. White Middle School is to the east; and the Harbor Freeway is to the west; and
- The total lot area is 12,353 square feet.

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Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned CG-D (Commercial, General; Design Overlay) and all properties to the north and east share the same zoning designation of CG-D; the property to the south is zoned RM-25-D (Residential, Multi-family – 25 units per acre; Design Overlay); Stephen M. White Middle School is zoned RS (Residential, Single-family);
- The subject property has a General Plan Land-Use designation of General Commercial and all properties to the north and east share the same General Plan Land-Use designation of General Commercial; the property to the south has the General Plan Land-Use designation of High Density Residential; and
- The subject property and properties to the north and east are within Redevelopment Project Area No. 4.

Applicable Zoning Ordinance Regulations

The following table summarizes the proposed projects' consistency with current site development standards for the CG-D 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		Minor Wireless Telecommunication Facilities require approval of a Site Plan and Design Review permit
WIRELESS TELECOMMUNICATION FACILITY DEVELOPMENT STANDARDS			
Section 9138.16A, "Purpose"	X		To minimize aesthetic impact of wireless telecommunication facilities through the use of carefully chosen site and design criteria.
Section 9138.16F1-7, "Design and Development Standards"	X		
Section 9138.16H, "Required Findings"	X		Compliance determined upon further review of required discretionary permits.
Section 9138.16J, "Temporary Facilities"	X		Planning Division may approve (for up to 90 days) a temporary telecommunication facility to provide service while an approved telecommunication facility is being fabricated.

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Applicable Zoning Ordinance Sections	Compliant	Non-Compliant	Comments
PROCEDURES			
9172.23, "Site Plan and Design Review"	X		Compliance determined upon further review of required discretionary permits.

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: 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:

- Compatibility with the General Plan, any specific plans for the area, and surrounding uses.
- 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.
- Convenience and safety of circulation for pedestrians and vehicles.
- Attractiveness, effectiveness and restraint in signing, graphics and color.
- 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 9172.23(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 – Parking: The minimum number of required handicap spaces is two for the site. The two adjacent southwesterly handicap spaces shall both be provided a required loading area and handicap accessible route, per Section 9162.42 of the Carson Municipal Code.
 - *Mitigation:* Relocate the southwesterly handicap space further west and provide a loading area in-between the two spaces. The applicant shall also provide a handicap accessible path to both spaces. A condition of approval has been included to reflect this mitigation measure.
- Issue – Conditional Use Permit No. 904-05: Upon further review of Telecommunication Ordinance No. 03-1284, the proposed project is a roof-mounted, stealthed facility and is considered a Minor Wireless Telecommunication Facility, which is typically approved by staff. Thus, the proposal is only subject to Site Plan and Design Review and not a Conditional Use Permit. However, pursuant to Section 9138.16.D.1, the Planning Commission has the authority to approve the Site Plan and Design Review because the proposed project is located less than 100 feet from a residential zone.
 - *Mitigation:* The Conditional Use Permit is not required and excess fee payment will be refunded to the applicant. No action on the Conditional Use Permit is required by the Planning Commission.

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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 building 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. 904-05."

VI. Exhibits

1. Resolution
2. Site plan, elevations, floor plans (under separate cover)
3. Land use map

Prepared by:


Max Castillo, Assistant Planner

Reviewed by:


John Signo, Acting Senior Planner

Approved by:


Sheri Repp, Planning Manager

Mc/c59405p/d90405p

11. PUBLIC HEARING

A) Design Overlay Review No. 904-05 and
Conditional Use Permit No. 594-05

Applicant's Request:

The applicant, Cingular Wireless, is requesting to install a rooftop-mounted wireless telecommunications facility in the CG-D (Commercial, General – Design Overlay) zone and within Redevelopment Project Area No. 4. The property is located at 22029 South Figueroa Street.

Staff Report:

Assistant Planner Castillo presented staff report (of record).

Staff Recommendation:

- **WAIVE** further reading and **ADOPT** Resolution No. _____, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 904-05."

Chairman Cottrell opened the public hearing.

Ramon Salazar, representing Cingular Wireless, Cerritos, stated that Cingular Wireless is upgrading this site and bringing it into conformance with the parking standards for this particular building, pointing out that this site was not brought into conformance when the original Conditional Use Permit was issued. Mr. Salazar stated that a new parking analysis had been provided to staff.

Assistant Planner Castillo advised that the applicant is providing one more handicapped parking space than what is required by code; but he indicated by doing that, the applicant also has to provide access to it, which, according to the plans, has not been provided at this time.

Mr. Salazar noted the applicant's concurrence with the conditions of approval.

Assistant City Attorney Galante questioned if the site justification study had indicated a need for coverage in this area. Assistant Planner Castillo answered yes.

There being no further input, Chairperson Cottrell closed the public hearing.

Planning Commission Decision:

Commissioner Saenz moved, seconded by Commissioner Verrett, to concur with staff recommendation, thus adopting Resolution No. 05-2062. Motion carried as follows:

AYES: Cottrell, Faletogo, Hudson, Pulido, Saenz, Verrett
NOES: None
ABSTAIN: Wilson
ABSENT: Diaz, Embisan

EXHIBIT NO. 3 -



ABSENT: Diaz, Embisan, Wilson

11. PUBLIC HEARING

B) Modification to Design Overlay Review No. 04-03-848
and Relocation Review No. 3035.56

Applicant's Request:

The applicant, Dennis Flynn Architects, is requesting a Relocation Review for modular office trailers and modification of Design Overlay Review No. 04-03-848 to permit a phasing plan for the construction of a 131,758-square-foot Carson Toyota dealership on 9.35 acres in the ML (Manufacturing, Light) zoned district and within the Merged and Amended Redevelopment Project Area. The property is located at 1333 East 223rd Street.

Staff Report:

Acting Assistant Planner Newberg presented staff report (of record).

Staff Recommendation:

- **WAIVE** further reading;
- **APPROVE** Conditional Use Permit No. 593-05;
- **ADOPT** Resolution No. _____, entitled, "A Resolution of the Planning Commission of the City of Carson Approving Conditional Use Permit No. 593-05";
- **DENY** Relocation Review No. 3035.55; and,
- **ADOPT** Resolution No. _____, entitled, "A Resolution of the Planning Commission of the city of Carson Denying Relocation Review No. 3035.55."

In response to Commissioner Hudson's concern with regard to Condition No. 69, Assistant City Attorney Galante recommended the following change: "The proposed shortening of the left-turn pocket on eastbound 223rd Street would result in a substandard turn pocket and *is therefore prohibited*. The minimum..."

Chairperson Cottrell opened the public hearing.

Dennis Flynn, project architect, stated that he concurs with the conditions of approval.

There being no further input, Chairperson Cottrell closed the public hearing.



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 1 TO DESIGN OVERLAY REVIEW NO. 904-05 TO INSTALL AN ADDITIONAL ROOF-MOUNTED CELLULAR TELECOMMUNICATION FACILITY CONSISTING OF THREE PANELS BEHIND TWO PARAPET EXTENSIONS ON AN EXISTING TWO-STORY OFFICE AND AUTO-REPAIR BUILDING LOCATED AT 22029 FIGUEROA 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, Don Williams for Blackdot Wireless, with respect to real property located at 22029 South Figueroa Street, and described in Exhibit "A" attached hereto, requesting the approval of Modification No. 1 to Design Overlay Review No. 904-05 to install an additional rooftop mounted wireless telecommunications facility on an existing building in the CG-D (Commercial, General – Design Overlay) zone and within Redevelopment Project Area No. 4. The project site is located less than 100' from residential property and requires Planning Commission approval subject to Section 9172.23 of the Carson Municipal Code.

A public hearing was duly held on October 26, 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. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid hearings.

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

Section 3. Pursuant to Section 9172.23(D), "Site Plan and Design Review, Approval Authority and Findings and Decision" and Section 9138.16(H), "Wireless Telecommunication Facilities", the Planning Commission finds that:

- a) The subject property is zoned CG-D (Commercial, General – Design Overlay) and has a General Plan Land Use designation of GC (General Commercial), which is consistent with the zoning designation. Surrounding uses include a three-story residential development, Stephen M. White public middle school and retail commercial. The proposed use is compatible with the General Plan and surrounding uses. 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.
- b) The existing office structure is 30 feet 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 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 an existing office building.
- d) The signage exists 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 existing building. The equipment cabinetry will be located on the rooftop behind the proposed parapet extension on the south side existing office building.
- e) There are existing cellular facilities located atop the office and auto repair building. The subject proposal is consistent with required findings found in Section 9138.16 in that it promotes co-location by occupying additional space on a building rooftop currently being used by another similar facility.
- f) The proposed project will be located and designed to minimize the visual impact on surrounding properties and from public streets, including adequate screening and stealthing of the proposed facility through use of materials, colors, and architectural design within the structure upon which it will be mounted.
- g) The development proposals involve being located atop an existing building built specifically for office and/or commercial uses. There is no residential dwelling on the subject property.

Section 4. The Planning Commission further finds that the use permitted by the proposed Modification No. 1 to Design Overlay Review No. 904-05 will not have a significant effect on the environment. The proposed facility will not alter the character of the surrounding area and meet or exceed all City standards for protection of the environment. Therefore, the proposed project is found to be exempt under the general rule of CEQA, Section 15301.

Section 5. Based on the aforementioned findings, the Commission hereby grants Modification No. 1 to Design Overlay Review No. 904-05 and with respect to the property described in Section 1 hereof, subject to the conditions and plans set forth in Exhibit "B" attached hereto.

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

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

PASSED, APPROVED AND ADOPTED THIS 26th DAY OF OCTOBER, 2010.

CHAIRMAN

ATTEST:

SECRETARY

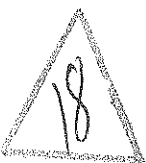


Exhibit "A"

LEGAL DESCRIPTION

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

THAT PORTION OF LOT 57 OF TRACT NO. 3612, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 40 PAGES 5 AND 6 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF SAID LOT WITH THE WESTERLY LINE OF THE EASTERLY 235.00 FEET OF SAID LOT 57; THENCE EASTERLY ALONG SAID SOUTHERLY LINE 29.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH $0^{\circ} 49' 30''$ WEST 148.69 FEET; THENCE NORTH $24^{\circ} 15' 40''$ EAST 80.11 FEET; THENCE NORTH $89^{\circ} 57' 01''$ EAST 150.00 FEET TO THE WEST LINE OF FIGUEROA STREET, 100.00 FEET WIDE; THENCE NORTHERLY ALONG SAID WEST LINE 82.29 FEET TO THE NORTHERLY LINE OF SAID LOT 57; THENCE ALONG SAID NORTHERLY LINE SOUTH $89^{\circ} 43' 28''$ EAST 25.00 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID LOT, A DISTANCE OF 305.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 57; THENCE WESTERLY ALONG SAID SOUTHERLY LINE 206 FEET TO THE TRUE POINT OF BEGINNING.

CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
MODIFICATION NO. 1 TO DESIGN OVERLAY REVIEW NO. 904-05

GENERAL CONDITIONS

1. If a building permit plan check submittal proposing the implementation of Modification No. 1 to Design Overlay Review No. 904-05 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 applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review by the Planning Commission.
4. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
5. It is further made a condition of this approval that if any condition is violated or if any law, statute 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.
6. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
7. The operator of a lawfully erected facility, and the owner of the premises upon which it is located, shall promptly notify the Planning Division in writing in the event that the use of the facility is discontinued for any reason. In the event the facility is discontinued or abandoned for a period of more than 180 days, then the owner(s) and/or operator(s) shall promptly remove the facility, repair any damage to the premises caused by such removal, and restore the premises as appropriate so as to be in conformance with applicable zoning codes at the



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

8. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Modification No. 1 to Design Overlay Review No. 904-05. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

AESTHETICS

9. The specification of all colors and materials and texture treatment must be submitted and approved by the Planning Division prior to the issuance of any building permits.
10. The wireless telecommunication facility shall not exceed the height specified in the development plan.
11. All electrical and equipment wiring shall be placed underground or concealed within the building or structure in which the facility will be mounted.
12. The screen walls and building-mounted support equipment shall be painted to match the existing building to the satisfaction of the Planning Division.

NOISE

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

PARKING

15. The required parking shall meet all applicable standards as outlined in Part 6, Division 2 of the Carson Zoning Ordinance.
16. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.



17. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
18. Compact spaces shall be properly designated pursuant to Section 9162.43 of the Zoning Ordinance.
19. Parking for handicapped shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.
20. The southeasterly handicap space shall be provided with a 5-foot wide loading space per Section 9162.42 of the Zoning Ordinance. The handicap space to the east of the southwesterly handicap space shall be removed.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

21. 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.

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

22. 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.

