



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: December 13, 2011

SUBJECT: Design Overlay Review (DOR) No. 1439-11
Conditional Use Permit (CUP) No. 879-11

APPLICANT: Trillium Telecom
Attn: Tim Miller
5912 Bolsa Avenue, Suite No. 202
Huntington Beach, CA 92649

REQUEST: Removal of telecommunication equipment within an existing church steeple and construction of a new, stand-alone, 34-foot high, enshrouded telecommunication facility on a property located within the CN (Commercial, Neighborhood) zone.

PROPERTY INVOLVED: 520 E. 228th Street

COMMISSION ACTION

Concurred with staff

Did not concur with staff

Other

COMMISSIONERS' VOTE

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

I. Introduction

The applicant, Trillium Telecom, represented by Tim Miller, submitted an application for Design Overlay Review No. 1439-11 and Conditional Use Permit No. 879-11 on June 29, 2011. The property owner is Carson Baptist Church Torrance. The permit request is to authorize approval of Design Overlay Review No. 1439-11 and Conditional Use Permit No. 879-11 to remove an existing telecommunication equipment located within the church steeple and construct a new, stand-alone, 34-foot high, enshrouded telecommunication facility.

II. Background

Previously Approved Discretionary Permits

- **1968** - Plot Plan No. 16200 approved by Los Angeles County authorizing construction of a 2,420-square-foot church building.
- **1972** - Building permit issued for church addition of 3,000 square feet, resulting in the existing 5,420-square-foot church building.
- **1981** - Change of Occupancy permit issued by Los Angeles County authorizing the child-care portion of the church building.
- **1987** - Building permit issued for construction of a church steeple on north end of church building.
- **2003** - Planning Commission approved Design Overlay Review No. 789-02 and Conditional Use Permit No. 528-02 to permit the reconstruction of the existing church steeple to accommodate a new telecommunications facility totaling 34 feet in height.
- **2007** - Planning Commission approved Modification No. 1 to DOR 789-02 for the removal and replacement of telecommunication panels within a church steeple and the relocation of related telecommunications equipment.

Public Safety Issues

- The Public Safety Department has reported no current code violations with this property.

III. Analysis

Location/Site Characteristics/Existing Development

The site is located near the southwest corner of Avalon Boulevard and 228th Street and is used by the Carson Baptist Church. A landscape setback is located along the 228th Street frontage. A six-foot high wrought iron fence fronts 228th Street with a block wall around the east, south, and west property lines. The parking lot is located on the eastern and southern portions of the property. There are existing telecommunication antennas located within the steeple ('stealthed') on the front of the building. The steeple will remain but the antennae within will be removed. The existing equipment cabinet is located adjacent to the rear of the church building behind a block wall.



Zoning/General Plan Designation

The subject property is zoned CN (Commercial, Neighborhood). Adjacent land uses are residential homes. To the south and east is the gated community, The Arbors at Avalon. The General Plan Land Use Element designates the land use for the subject property as General Commercial and all other land use designations for adjacent properties are for residential.

Project Details

The existing six telecommunication panels located within the church steeple will be removed and a new 34-foot-high, free-standing, enshrouded cellular telecommunication facility will be constructed approximately eight-feet from the northwest corner of the church building. There will be a total of 12 panel antennae constructed in a series of four panels in three sectors. Each sector is six-feet wide totaling a 12-foot by 12-foot area within the shroud. The applicant is proposing to utilize the existing equipment facilities located at the rear of the church building.

The design of the proposed telecommunication facility tower incorporates architectural elements found on the church building, such as wood moulding accents, similar roof shape and materials, like colors, and stone trim along the base of the enclosure. The tower will have a large cross on each side of the structure and stained glass at the top of each side. The applicant consulted with the church design committee to incorporate their design preferences, and with planning staff to determine the most suitable and appropriate design concept. During staff review of the project, the applicant offered design alternatives including a free-standing mono-palm design on the east side of the property, and a similar free-standing shroud structure with various other design elements. The current design was a compromise between the church design committee, applicant, and staff.

Required Findings Design Overlay Review 1439-11

Section 9138.16(D)(2) of the CMC states that a Site Plan and Design Overlay Review and Conditional Use Permit application shall be submitted for approval of a major telecommunications facility (i.e. free-standing). Pursuant to CMC Section 9172.23(D)(1), the Planning Commission shall approve a development plan if it is able to make affirmative findings based on the following criteria:

- a. Compatibility with the General Plan, any specific plans for the area and surrounding uses.
- b. The proposed project adheres to the goals and policies described in the Land Use Element of the General Plan.
- c. Compatibility of architecture and design with existing and anticipated development in the vicinity, including the aspects of the 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.
- d. Convenience and safety of circulation for pedestrians and vehicles.
- e. Attractiveness, effectiveness and restraint in signing, graphics and color.

- 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.

In addition to the provisions of CMC 9172.23, the Planning Commission shall approve a development plan for a wireless telecommunications facility if affirmative findings can be made based upon the following criteria found in CMC Section 9138.16(H):

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

Required Findings: Conditional Use Permit No. 692-08

Section 9172.21 (D) of the Zoning Ordinance requires that the Planning Commission, by Resolution, render its approval for a Conditional Use Permit based on the ability to make affirmative findings concerning the following:

- a. 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
- c. There will be adequate street access and traffic capacity
- d. There will be adequate water supply for fire protection
- e. The proposed use and development will be compatible with the intended character of the area; and,
- f. Such other criteria as are specified for the particular use in other Sections of this Chapter.

Based upon the information found in this 'Analysis' section, all of the required findings pursuant to Section 9138.16(D)(2), Wireless Telecommunication Facilities, Procedural Standards; Section 9172.23(d), Site Plan and Design Review, Approval Authority and Findings and Decision; Section 9171.21(d), Conditional Use Permit, Commission Findings and Decision; as well as all other specific criteria identified for each of the discretionary permits can be made in the affirmative. Specific details regarding the applicable findings and all other specific criteria identified for each of the discretionary permits are incorporated in the attached resolution (Exhibit No. 2).

IV. Environmental Review

Pursuant to Section 15332(a-e), In-Fill Development Projects, of the California Environmental Quality Act (CEQA), the proposed project is found to be categorically exempt from further environmental review.

V. Recommendation

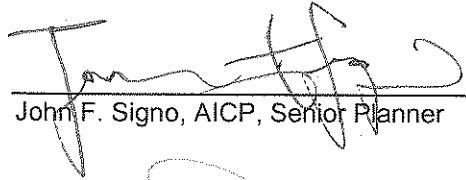
That the Planning Commission:


- **APPROVE** the Design Overlay Review No. 1439-11 and Conditional Use Permit No. 879-11, subject to the Conditions of Approval;
- **WAIVE** further reading and **ADOPT** Resolution No. _____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1439-11 AND CONDITIONAL USE PERMIT NO. 879-11 FOR THE REMOVAL OF TELECOMMUNICATION EQUIPMENT EXISTING TELECOMMUNICATION PANELS WITHIN A CHURCH STEEPLE AND CONSTRUCTION OF A NEW FREE-STANDING, _____ ENSHROUDED, _____ 34-FOOT-HIGH TELECOMMUNICATION FACILITY TOWER LOCATED AT 520 E. 228TH STREET."

VI. Exhibits

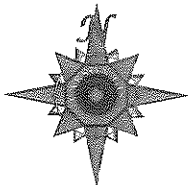
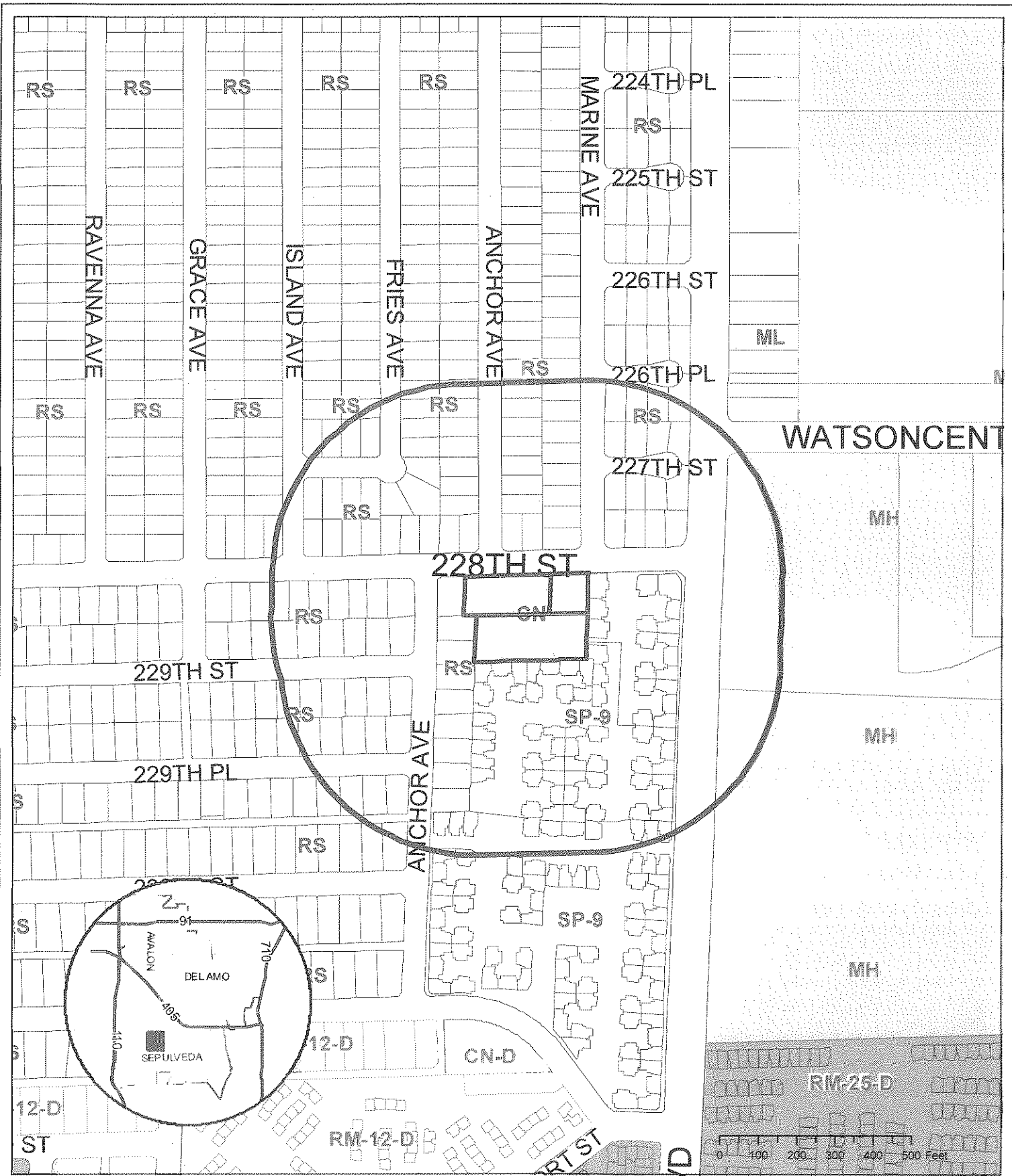
1. Land Use Map
2. Draft Resolution
3. Development Plans

Prepared by: 
Steven Newberg, AICP, Associate Planner

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

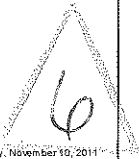
Approved by: 
Sheri Repp, Planning Manager

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City of Carson
 500 Foot Radius Map
 520 E 228th Street

EXHIBIT NO. 1 -



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EXHIBIT NO. 1

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1439-11 AND CONDITIONAL USE PERMIT NO. 879-11 FOR THE REMOVAL OF TELECOMMUNICATION EQUIPMENT EXISTING TELECOMMUNICATION PANELS WITHIN A CHURCH STEEPLE AND CONSTRUCTION OF A NEW FREE-STANDING, ENSHROUDED, 34-FOOT-HIGH TELECOMMUNICATION FACILITY TOWER LOCATED AT 520 E. 228TH 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, Trillium Telecom (Tim Miller), with respect to real property located at 520 E. 228th Street and described in Exhibit "A" attached hereto, requesting the approval of Design Overlay Review 1439-11 and Conditional Use Permit No. 879-11 to authorize the removal of existing telecommunication equipment located within a church steeple-mounted facility and construction of a new, stand-alone, 34-foot high, enshrouded telecommunication facility in a commercial neighborhood (CN) zone.

A public hearing was duly held on December 13, 2011, 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. Pursuant to Section 9138.16(D)(2), Wireless Telecommunication Facilities, Procedural Standards; Section 9172.23(d), Site Plan and Design Review, Approval Authority and Findings and Decision; and Section 9171.21(d), Conditional Use Permit, Commission Findings and Decision, the Planning Commission finds that:

- a) Section 9138.16(G) of the CMC authorizes the Planning Commission to approve minor exceptions to the height requirement for cellular telecommunication facilities in order to exceed the height limit for the zone, up to a maximum of twenty percent additional height. The height limit for the CN zone is 30 feet. The proposed freestanding telecommunication facility is designed to minimize its visual impact by way of a decorative shroud with fit and finish details matching the existing church building. The antenna height is increased to 34 feet in order to maximize efficiency of cellular reception to subscribers in the vicinity. The resulting visual impacts of the increased height are negligible because the facility is designed to architecturally integrate with the surrounding environment. Such factors justify the height increase.
- b) The proposed modification to the existing telecommunication facility and construction of a new free-standing, 34-foot-high, enshrouded cellular telecommunication facility adheres to the goals and policies described in the Land Use Element of the General Plan. According to this document, "Commercial activities should be screened or buffered from adjacent residential uses wherever possible." This project achieves this

EXHIBIT NO. 2

EXHIBIT NO. 2 -



goal because it is a stealth project that is incorporated into a free-standing facility designed to ensure compatibility with the existing church structure by being colored, stuccoed, roofed, and trimmed consistently.

- c) The proposed cellular facility and proposed modifications to the existing facility will not affect or impact the safe circulation of either pedestrian or vehicular traffic as the facility is essentially unmanned and incorporated into an existing church building and small open area.
- d) No signage exists for the cellular facility other than what is required for safety purposes for the equipment cabinets. The color of the new facility will match the color of the existing building.
- e) The existing site is the best alternative after considering co-location with another facility and location at another site, given that there are no similar cellular facilities within the immediate cell phone service area. The new facility is being constructed to replace older cellular and data service technology with newer, more efficient components which requires an improved shroud system in which to house them.
- f) The proposed 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 harmonizes 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.

Section 5. The Planning Commission further finds that the proposed structure and modifications will not have a significant effect on the environment and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332(a-e) of the CEQA guidelines, which exempts this project as an in-fill development. No further significant environmental impacts would result from this proposal.

Section 6. Based on the aforementioned findings, the Commission hereby adopts the categorical exemption and grants approval of Design Overlay Review No. 1439-11 and Conditional Use Permit No. 879-11, with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 7. The Secretary shall certify to the adoption of this Resolution and shall transmit copies of the same to the applicant.

Section 8. 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, 2011.

CHAIRMAN

ATTEST:

SECRETARY

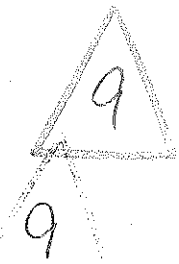


EXHIBIT "A"
LEGAL DESCRIPTION

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

A parcel of land in the County of Los Angeles, State of California, being that portion of the 3365.95 acre tract allotted to Maria Delores Dominguez de Watson by decree of partition of a portion of the Rancho San Pedro, Case No. 3284, Superior Court of said County, bounded by the following described lines:

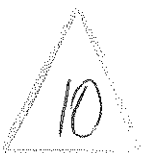
Commencing at a point in the Easterly line of Tract No. 16998, as per map recorded in Book 394 Pages 26 and 27 of Maps, in the office of the County Recorder of said County, distant South $1^{\circ} 54' 35''$ West 220.00 feet, measured along said Easterly line and its prolongation, from the Southerly line of 228th Street, 66.00 feet wide, as shown on map of Tract No. 15838 as per map recorded in Book 463 Pages 41 to 43 inclusive of Maps, in the office of said Recorder; thence parallel with said Southerly line of 228th Street, North $88^{\circ} 12' 15''$ East 185.00 feet to the TRUE POINT OF BEGINNING; thence continuing North $88^{\circ} 12' 15''$ East 106.00 feet, thence parallel with the Easterly line and prolongation thereof of said Tract No. 16998, North $1^{\circ} 54' 35''$ East 220.00 feet to said Southerly line of 228th Street; thence along said Southerly line South $88^{\circ} 12' 15''$ West 106.00 feet, to a line that is parallel with the Easterly line and prolongation thereof of said tract No. 16998 and passes through the true point of beginning; thence along said last mentioned parallel line South $1^{\circ} 54' 35''$ West 220.00 feet to the True Point of Beginning.



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 1439-11
CONDITIONAL USE PERMIT NO. 879-11

GENERAL CONDITIONS

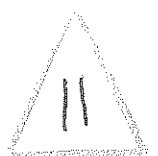
1. If a building permit plan check submittal proposing the implementation of Design Overlay Review No. 1439-11 and Conditional Use Permit No. 879-11 is not submitted to the City of Carson within one year of their effective dates, said permits shall be declared null and void unless an extension of time is requested prior to expiration and 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 make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission.
4. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
5. It is further made a condition of this approval that if any condition is violated or if any law, statute or ordinance is violated, this permit shall be determined to be automatically revoked, provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
6. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval, and which are consistent with the development plans included as exhibits to the staff report presented at the hearing in which the project was approved, including modifications to the plans and/or conditions of approval made by the Planning Commission during said hearing. Such approved development plans are subject to review and approval 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. A modification of the conditions of these permits, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
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. 1439-11 and Conditional Use Permit No. 879-11. 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

10. 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.
11. All existing telecommunication panels located within the existing church steeple façade shall be removed prior to final approval of any building permit issued for the free-standing telecommunications structure.
12. The free-standing wireless telecommunication facility shall not exceed 34 feet in height, as specified in the approved development plans, up to and including the roof top.
13. All electrical and equipment wiring shall be placed underground from the point of connection at the telecommunication tower and related equipment facilities to the power/telco source. Exposed above-ground wiring is not permitted.



14. The free-standing facility shall utilize the existing ground equipment enclosure which shall be textured/stuccoed and painted to match the existing building on the property.
15. All texture treatment shall be repaired, if necessary, including missing or dilapidated flashing, paint, stucco, or other materials used to finish the steeple and incorporate it into the existing adjacent roofing material, subject to Planning Division approval and prior to the issuance of a final building permit.
16. The existing storage container located on the west side of the church property shall be removed prior to final approval of any building permit issued for the free-standing telecommunication structure. Failure to remove the unpermitted storage container within 30 days of CUP approval will result in Code Enforcement action.
17. 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 base of the free-standing structure, as well as the stain glass and trim on the new structure. 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.

NOISE

18. All wireless telecommunication facilities shall be constructed and operated in such a manner as to meet the requirements of the Noise Ordinance.
19. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Any noise sources creating a constant buzzing, humming, or other noticeable sound shall be adequately screened and mitigated to the satisfaction of the Planning Division.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

20. As necessary, the applicant shall remove and replace any broken driveway approach per City of Carson Standard.
21. If needed, easements shall be granted to the City, appropriate agency, or entity for the purposes ingress, egress, construction, and maintenance of all infrastructures constructed and handicap access for this development to the satisfaction of the City Engineer and or appropriate agency or entity.
22. Any city-owned improvements 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.



23. 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.

FIRE DEPARTMENT – LOS ANGELES COUNTY

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

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

25. Per section 6310 of the Carson Municipal Code, all parties involved in the construction of the freestanding telecommunication facility to be located at 520 E. 228th Street, including but not limited to contractors and subcontractors, will need to obtain a City Business License.

