



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: February 28, 2011

SUBJECT: Design Overlay No. 1423-11 and Conditional Use
Conditional Use Permit No. 883-11

APPLICANT: AT & T
Attention: Maryann Harwood of RLS for Anchor
Investments
1594 N. Batavia Street, Orange, CA 92867

REQUEST: To approve a 39-foot high major communications
facility disguised as an eucalyptus tree (mono-
eucalyptus), an equipment shelter (280 square
feet), and general site improvements in the CG-D
(Commercial, General – Design Overlay) zoning
district.

PROPERTY INVOLVED: 22829 South Figueroa 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 | | | |

Item No. 11A

I. Introduction

Applicant

Maryann Harwood
Reliant Land Services, Inc. for AT & T
1594 N. Batavia Street
Orange, CA 92867

Property Owner

John Pappadakis
Anchor Investments
660 6th Street
San Pedro, CA 90731

Project Address

22829 South Figueroa Street, Carson, CA 90745

Project Description

The applicant, Maryann Harwood of Reliant Land Services, Inc., represents AT & T and is requesting approval of Design Overlay Review (DOR) No. 1423-11 and Conditional Use Permit (CUP) No. 883-11 on behalf of Anchor Investments to construct behind an existing multi-tenant commercial building (on the south side) a 39-foot high, major communications facility disguised as a eucalyptus tree (mono-eucalyptus), a 280-square-foot equipment shelter and conduct general site improvements at the subject property located at 22829 S. Figueroa Street. The applicant proposes to install three sectors with four 8' antennas and remote radio units, and three GPS antennas onto the mono-eucalyptus. The 280-square-foot equipment shelter will house related utilities and equipment. A 6' wrought iron fence/gate with mesh (painted black) will replace an existing double-swing chain-link access gate located at the east side entrance, a landscaped planter area will be installed along the east side of the building and a pole sign will be removed from the same area.

The subject property is located in the CG (Commercial, General) zoning district and has a General Plan designation of general commercial. The proposed mono-eucalyptus will have an about 93' setback from the front property line and provide a 10' – 9" side yard setback.

II. Background

The property currently has a one-story, concrete block building which occupies multiple tenants with primary commercial uses (retail, office, and restaurant). Parking (51 spaces) is located throughout the property, north of the existing building. The property is approximately 35,000 square feet.



III. Analysis

Section 9138.16(B)(8-11, 14, 18) of the Carson Municipal Code (CMC) defines the proposed project as a ground-mounted, stealth, major communications facility. Procedural standards contained in this Section require that a major communications facility shall be subject to the approval of a development plan in accordance with Sections 9172.23, Site Plan and Design Review (DOR), and Section 9172.21, Conditional Use Permit (CUP).

DESIGN OVERLAY REVIEW NO. 1423-11

The Planning Commission may approve Design Overlay Review NO. 1423-11 if the following findings can be made in the affirmative, as per CMC Section 9172.23(D):

- a. Compatibility with the General Plan, any specific plans for the area, and surrounding uses.

The subject property is designated as General Commercial within the Land Use Element of the General Plan. The project site is located in the southwest area of the city of Carson, facing Figueroa Street and south of 228th Street. There are no specific plans for the area. The adjacent property to the north has a General Plan designation of General Commercial (multi-tenant commercial site), to south and west is high density residential, the properties to the east (across Figueroa Street) are residential and commercial general (gas station). The proposed use is a permitted use in the CG-D zoning district and will be compatible with these surrounding uses in that it will not significantly impact the adjacent properties, in terms of noise, dust, odor, aesthetics or other environmental considerations.

- 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 proposed mono-eucalyptus will occupy a 23' diameter antenna lease area and the related utilities and equipment shelter will occupy an 8' x 35' lease area – both located behind a multi-tenant commercial building. The property is generally a trapezoid in shape and has landscape trees located along the southerly property line. The balance of the property is paved, no parking will be affected and no exposed soil on the site except in planters. Additional landscape screening is not proposed because the proposed development is intended to resemble a eucalyptus tree which will complement the existing trees located along the south side perimeter of the property. As such, the aesthetic impacts will be lessened, thus helping to achieve a harmonious and attractive development of the area.

- c. Convenience and safety of circulation for pedestrians and vehicles.

The existing parking will not be affected. The driveway widths and parking spaces will remain code-compliant, thereby adequately maintaining the convenience and safety of circulation for pedestrians and vehicles.

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

Apart from the required safety, directional or informational signs, no product advertising signs are proposed for the project. The proposed facility is intended to

simulate a eucalyptus tree, in terms of shape and appearance. The use of synthetic rubber bark and leaves will be effective in helping to stealth the facility.

- e. Conformance to any applicable design standards and guidelines that have been adopted pursuant to Section 9172.15

The project is compliant with applicable design standards and guidelines.

In addition to the findings in Section 9172.23(D) of the CMC, the Planning Commission shall be guided by the provisions of Subsection F, Development and Design Standards, of Section 9138.16, which includes standards for setbacks, height, wiring, painting, lighting, noise and signs. Also, Subsection H, Findings, of Section 9138.16, which includes the following:

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

This site was chosen for its optimal future capacity coverage. The applicant considered other properties in Carson and Torrance but the sites did not meet the qualification standards and coverage objectives. Determining factors in site selection included the ability to lease the necessary property, ability to construct the proposed site, conformance to the zoning code, and the ability to provide adequate radio frequency coverage and connect to surrounding network sites. The subject site was chosen based on these determinants.

- 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 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.

There are a total of 12 panel antennae, which are proposed to be located in 3 sectors (4 panels per sector). The synthetic tree branches, colored to simulate real branches, will feature synthetic leaves. The branches will start from approximately 15 feet above ground level and crown at the top of the tree to a total height of 39 feet, extending 10 feet at most from the center pole. The pole will be wrapped in a synthetic rubber material designed to resemble bark.

- 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.

The existing project is proposed on a commercial property that does not have any residential dwellings on-site. The nearest residential properties are single-family homes located to the south, west and east (across Figueroa Street) of the subject property.

CONDITIONAL USE PERMIT NO. 883-11

Approval of a CUP is required for a freestanding Major Wireless Telecommunication Facility in a manufacturing zone. 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.



The proposed use and development will be consistent with General Plan goals, which include promoting sustainable energy, communication, and other systems which meet the needs of the community.

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

The subject property is approximately 35,000 square feet in size, trapezoid shape and flat. The site is already developed for commercial use and is located off of a major street which is surrounded by developed properties that are served by adequate infrastructure and utilities. Thus there are adequate utilities to provide and maintain service to the proposed use. The applicant intends to underground required power, telephone and other utility to their respective sources.

- c. There will be adequate street access and traffic capacity.

Access to the facility for routine maintenance or emergency repair is proposed from S. Figueroa Street along a twelve (12) foot easement for ingress and egress. The proposed facility will not impact traffic in the vicinity except possibly during the construction phase of the project and for the occasional maintenance vehicle.

- d. There will be adequate water supply for fire protection.

The Los Angeles County Fire Department has reviewed the proposed project. Their concern did not address water supply adequacy. Based on their review, it is assumed that water supply to the project site is adequate.

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

The proposed use will not negatively impact in the vicinity of the subject site, in terms of parking, traffic, noise and safety. The intended character of the area is for commercial and high density residential which the proposed use is compatible.

- f. Such other criteria as are specified for the particular use in other Sections of this chapter.

In addition to the general criteria for the approval of a Conditional Use Permit, Section 9143 of the CMC outlines special criteria and limitations as indicated below that shall be considered in acting upon a Conditional Use Permit in an industrial zone:

- a. Possible hazards to the surrounding area as a result of the proposed use.

The equipment associated with the wireless communication facility operates quietly or virtually noise free and it does not emit fumes, smoke, or odors that could be considered objectionable.

- b. Possible hazards to the proposed use due to proximity or interaction with uses in the surrounding area.

The proposed facility is generally compatible with the existing uses within the CG-D zoning district both in terms of use and aesthetics. This infrastructure will significantly improve communication service in the area in terms of allowing greater capacity opportunities for carriers and their customers, and further enhance the general welfare of the public by requiring a stealth facility.

- c. Cumulative and interactive effects upon the environment and public safety resulting from the interrelation, magnitude and intensity of industrial activities in the area.

Like all electrical devices, wireless antennas produce electromagnetic fields (EMFs), the invisible lines of force that surround any electric current. We are exposed to a variety of such fields from natural and man-made sources. The wireless telephone industry is designed to function using a number of very low-powered transmission facilities.

The effect of wireless radio frequencies compared to other AM and FM signals, and TV transmissions is considered negligible by the industry's regulatory agencies. There are too many frequencies separating the various wireless service providers to cause any adverse effects. Cellular only uses 3% of the radio frequency spectrum and the cellular transmissions are at very low power levels. Moreover, all FCC licensed wireless service providers are prohibited from maintaining any interference with existing licensed communication uses, and must comply with all FCC emissions guidelines.

MAJOR EXCEPTION

The Zoning Ordinance allows the Planning Commission to consider of approval of facilities located within 100' of a residential zone to exceed the maximum height described in Section 9138.16(G)(1)(b) subject to approval of a Conditional Use Permit. Such Conditional Use Permit for new facilities shall authorize a height limit in conformance with Subsection G, Major Exceptions, of Section 9138.16. Subsection G provides for a thirty percent increase in the maximum height allowed, which is 30 feet in the CG-D zone. Thus, a total height of 39 feet is allowed if the Planning commission approves a height modification. The height modification can be approved if all of the following findings are made based on evidence submitted by the applicant (EXHIBIT 2):

- a. If the applicant seeks the major exception in order to service the applicant's gap in service, the applicant shall submit an explanation and supporting engineering data establishing that a tower or antenna as proposed is technologically necessary.
- b. If the applicant seeks the major exception in order to accommodate the establishment of a co-located facility, the applicant shall demonstrate that conformance with the code would require the installation of new freestanding communications facility or other less desirable facility.
- c. If seeking a major exception from height standards set forth herein, the applicant shall demonstrate that the proposed height is designed at the minimum height necessary. The applicant shall specifically include an analysis comparing the operation of the facility at it proposed height with its operation at the maximum height permitted herein. The purpose of this analysis is to ensure that additional height is permitted only when technologically necessary for the provision of services. Further, the applicant shall certify that the facility shall not cause a hazard to aircraft.
- d. Locating the antenna in conformance with the specifications for the Section would obstruct the antenna's reception window or otherwise excessively interfere with reception, and the obstruction or interference involves factors beyond the applicant's control and relocation is not an option.
- e. The visual impacts are negligible because the facility is designed to architecturally integrate with the surrounding environment.



- f. Granting the major exception shall conform to the spirit and intent of this zoning code.
- g. Granting the major exception will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity.

The proposed project is designed to resemble a eucalyptus tree to complement the existing trees near the property. Although the height of the proposed mono-broadleaf will be taller than the existing trees, efforts have been made to architecturally integrate the proposed project with the surrounding environment.

Based upon the information found in the Analysis section, all of the required findings pursuant to 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.

Issues of Concern

- 1) None noted.

IV. Environmental Review

Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), the proposed installation of a wireless telecommunications facility on a developed commercial property reasonably falls within this exemption category since no foreseeable significant impacts would result. does not have the potential for causing a significant effect on the environment and is found to be exempt.

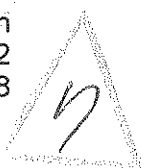
V. Conclusion

The above analysis documents that the proposed major communications facility installation is consistent with the current communications facilities regulations in the Carson Municipal Code, to include the applicable zoning district and use, and proper land use planning principles.

VI. Recommendation

That the Planning Commission:

- **APPROVE** the Categorical Exemption;
- **APPROVE** Design Overlay No. 1423-11 and Conditional Use Permit No. 883-11, subject to conditions of approval attached as Exhibit "B" to the Resolution; and
- **WAIVE** further reading and **ADOPT** Resolution No. _____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1423-11, AND CONDITIONAL USE PERMIT NO. 883-11 FOR A MAJOR EXCEPTION TO BUILD A 39-FOOT-HIGH MAJOR COMMUNICATIONS FACILITY DISGUISED AS A EUCALYPTUS TREE (MOMO-EUCALYPTUS), CONSTRUCT A 280-SQUARE-FOOT EQUIPMENT SHELTER AND PROVIDE GENERAL SITE



IMPROVEMENTS TO A PROPERTY LOCATED AT 22829 FIGUEROA STREET."

VII. Exhibits

1. Land Use Map
2. Major Exception Justification Study
3. Capacity Maps
4. Photo Simulations
5. Resolution
6. Development Plans (Submitted under separate cover)

Prepared by:


McKina Alexander, Planning Technician

Reviewed by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp, Planning Officer



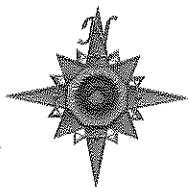


EXHIBIT NO. 1

9

MAJOR EXCEPTION JUSTIFICATION STUDY

22829 Figueroa Street, Carson, CA.

b. Major Exceptions. The design standards for setbacks and height listed in subsection F of this Section may be modified by not more than thirty (30) percent.

The Planning Commission or Planning Division must make all of the following findings based on evidence submitted by the applicant:

(1) If the applicant seeks the major exception in order to service the applicant's gap in service, the applicant shall submit an explanation and supporting engineering data establishing that a tower or antenna as proposed is technologically necessary.

The specific coverage objective for this area is to provide coverage along Freeway 110 between W 228th Street and Sepulveda Blvd. including the surrounding residential/business areas in the city of Carson, CA 90745 - Offloading CLU2830A/X & CLU2830C/Z. This site was chosen for its optimal future capacity coverage in order for the carrier to provide the best possible service to its customers.

The following are the other locations considered for this telecommunication site:

- 1) 23529 Figueroa Street, Carson – Best Storage
This self storage facility location did not meet the qualification standards and coverage objectives of the Radio Frequency Engineers.
- 2) 851 Sepulveda Street, Torrance – Food for Less Shopping Center
This shopping center location did not meet the qualification standards and coverage objectives of the Radio Frequency Engineers.
- 3) 23302 Sesame ST, Torrance – Mariners Park Residential Complex
This residential property could not meet the requirements of the Radio Frequency Engineers.
- 4) 22802 Figueroa Street, Carson - Gas Station
There was limited leasing interested by the property owner of this location.

There are no additional and feasible alternative locations to consider within the vicinity without the intrusiveness of constructing a new antenna facility that will be visible to the public and from public right-of-way. The existing property provides the best option of minimal impact to the area. Neighboring properties are primarily all single story; and properties in the middle of the search ring are primarily single family homes. This area is best suited based on the visibility



from walking pedestrians and driving traffic in the area. This site will have the least amount of impact to the area.

AT&T is seeking a major exception to provide capacity relief to this area. These future capacity sites heavily rely on highly confidential analytical data (due to their competitive strategic nature); which encumbers absolving high cost and risk and are therefore carefully chosen in order to satisfy the complicated and a highly specific objective. Please see attached Capacity Site Maps detailing the capacity issues in this area.

(2) If the applicant seeks the major exception in order to accommodate the establishment of a co-located facility, the applicant shall demonstrate that conformance with the code would require the installation of new freestanding communications facility or other less desirable facility.

This is not a Co-location facility.

(3) If seeking a major exception from height standards set forth herein, the applicant shall demonstrate that the proposed height is designed at the minimum height necessary. The applicant shall specifically include an analysis comparing the operation of the facility at its proposed height with its operation at the maximum height permitted herein. The purpose of this analysis is to ensure that additional height is permitted only when technologically necessary for the provision of services. Further, the applicant shall certify that the facility shall not cause a hazard to aircraft.

AT&T is requesting a major exception from the height standard of 30 feet in order to provide relief to the capacity issues in this area. AT&T is proposing a stealth mono-eucalypts tree with a height of 39'. The additional height is necessary in order to provide the maximum amount of coverage area. Please see attached Capacity Maps detailing the need for the additional height.

(4) Locating the antenna in conformance with the specifications of this Section would obstruct the antenna's reception window or otherwise excessively interfere with reception, and the obstruction or interference involves factors beyond the applicant's control and relocation is not an option.

The height limitation in this location would obstruct the antennas performance due to the height of structures and trees in the surrounding area. Please see attached RF Justification Letter detailing the need for the additional height.

(5) The visual impacts are negligible because the facility is designed to architecturally integrate with the surrounding environment.

The facility has been designed to imitate a Eucalyptus tree, that is commonly found within the surrounding area. The "Stealth" tree will provide materials that will obscure the antennas from the view of the public. Please see attached photo simulations.



(6) Granting the major exception shall conform to the spirit and intent of this zoning code.

Granting the major exception will conform to the spirit and intent of this zoning code as it will allow ATT to provide capacity relief to the largest area while limiting the need for new sites in the immediate surrounding areas.

This proposed use and location will allow AT&T to meet the current and future demands for convenient and emergency wireless telecommunications in this area. The proposed use is deemed essential and desirable to the public convenience or welfare and provides the public a service that is not being adequately provided by AT&T.

(7) Granting the major exception will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity.

Granting the Major Exception will have no detrimental environmental effect on to the public welfare or injurious to properties or improvements in the vicinity. The site and equipment will adhere to the strict standards imposed by the federal and state government.



LA0556_CLU2827 Capacity Maps

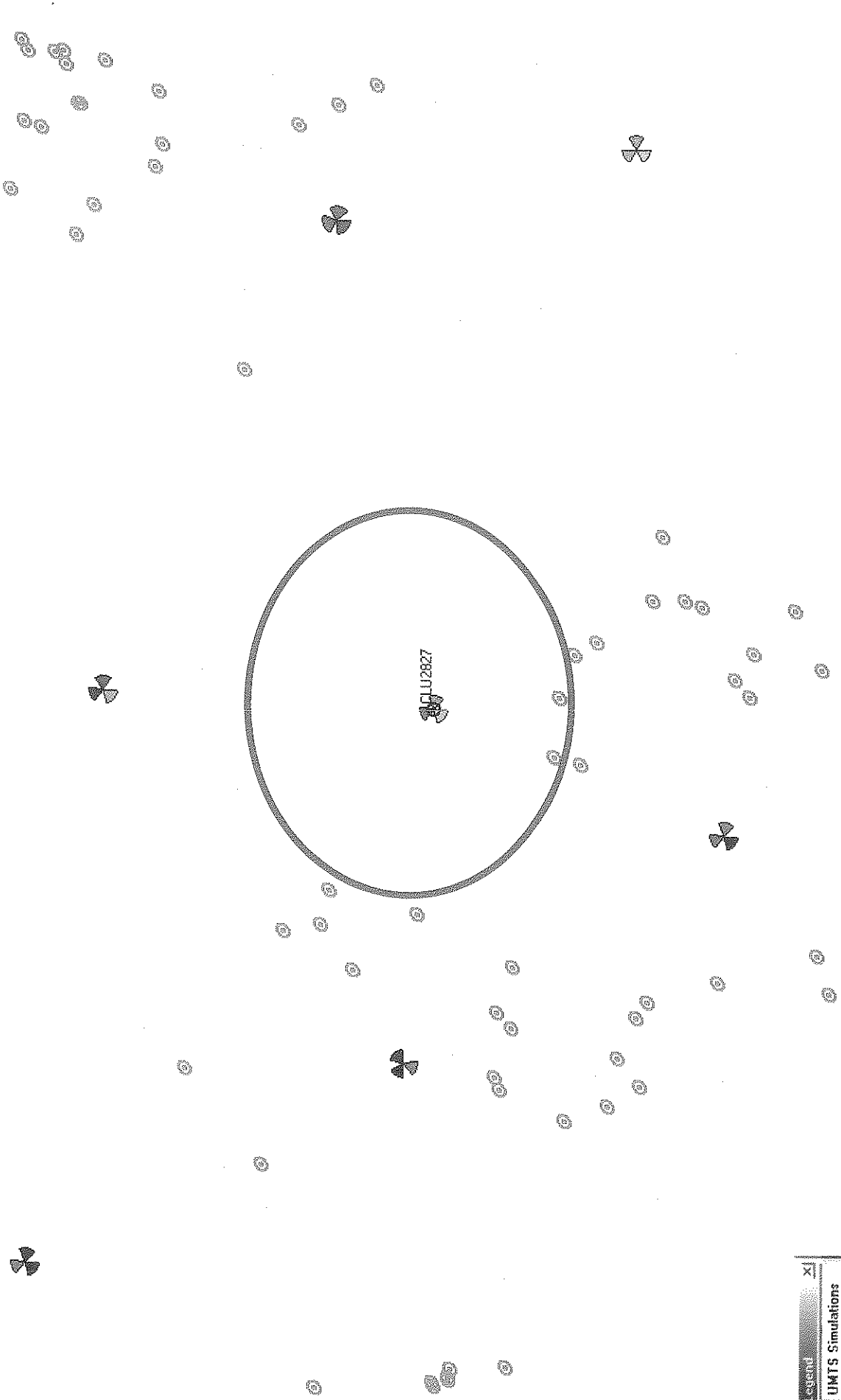
EXHIBIT NO. 3 -

1

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Network Failures without CLU2827 during Normal Traffic Conditions



Legend

xl

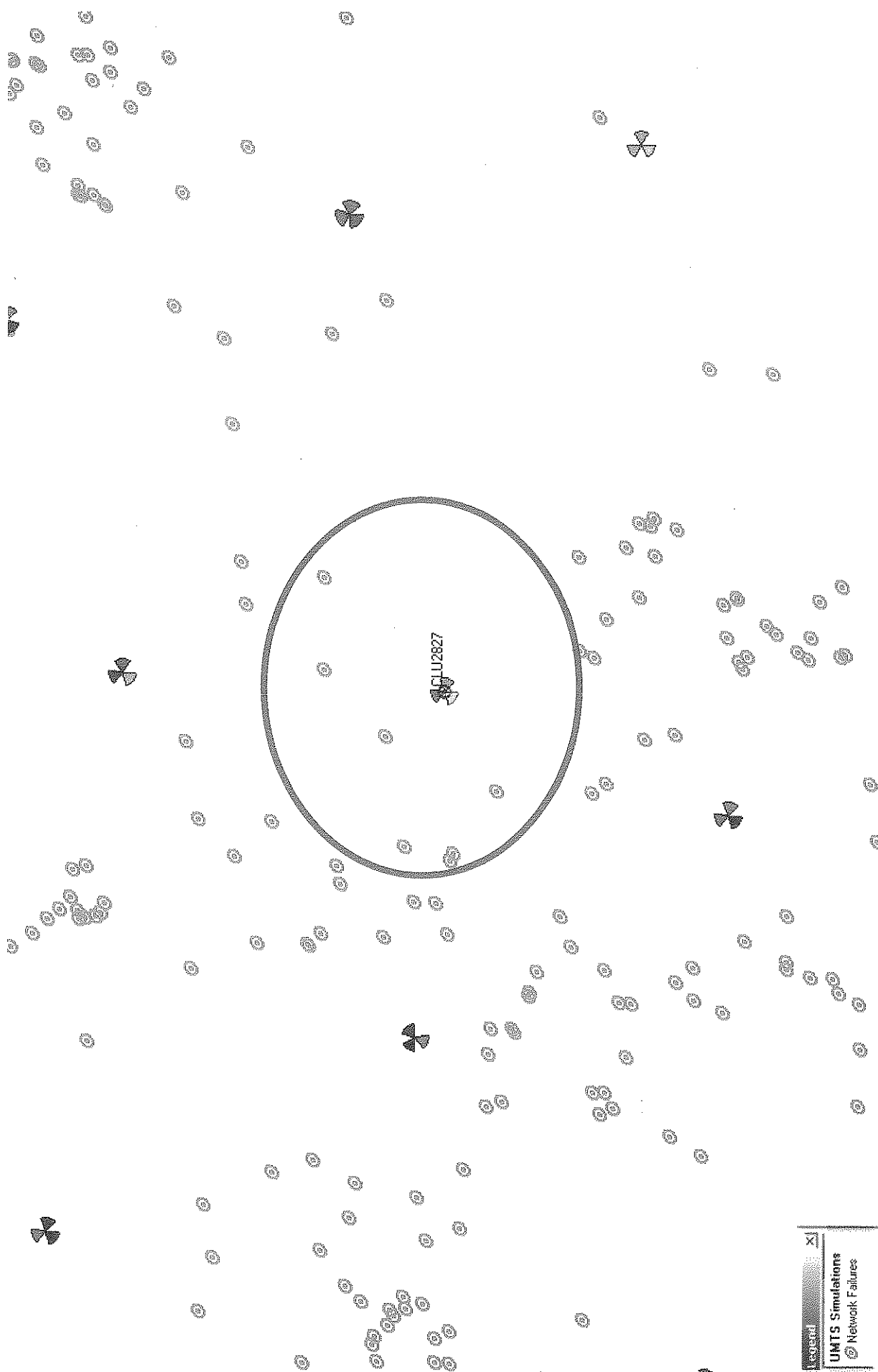
UMTS Simulations

Network Failures

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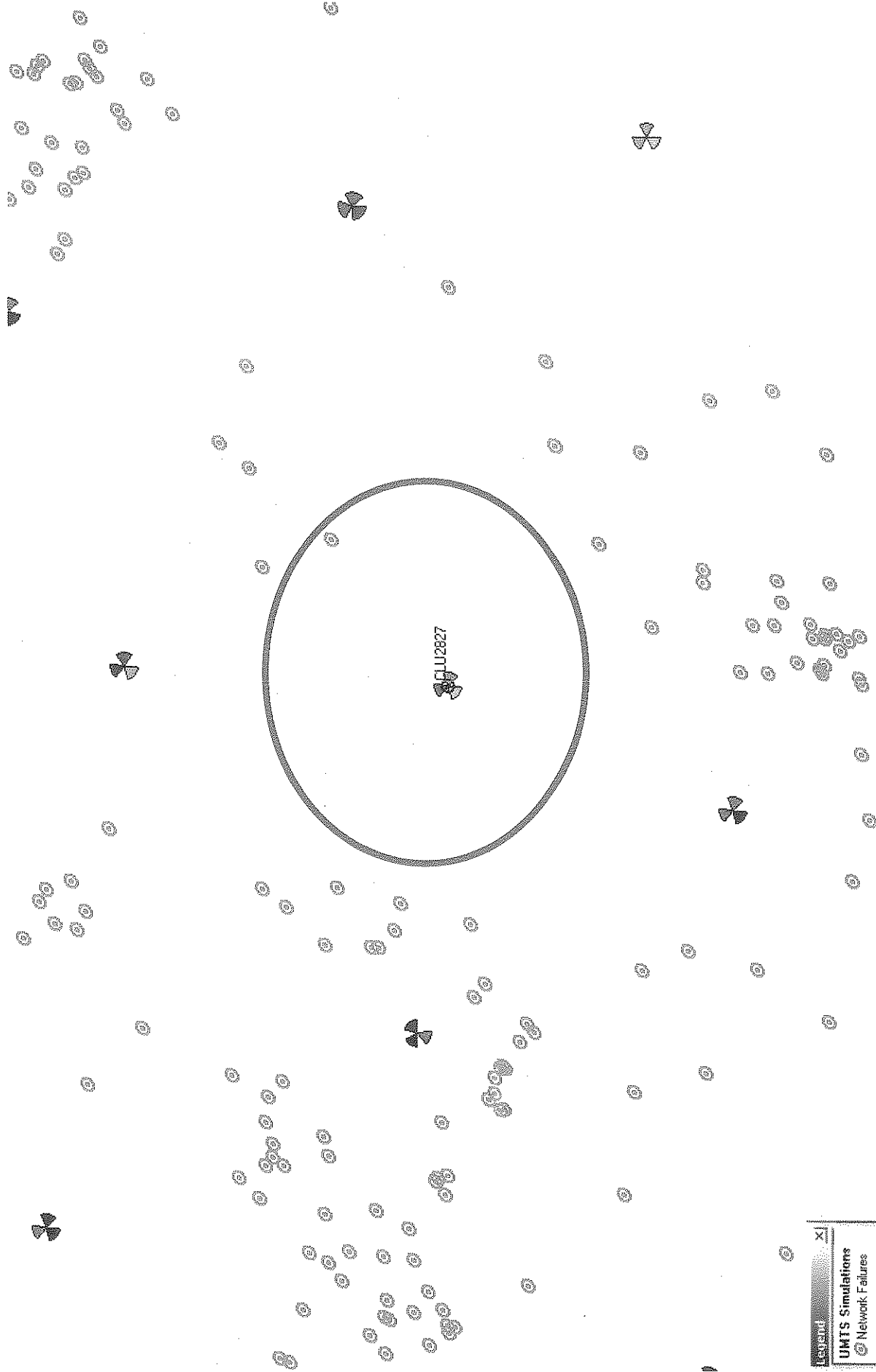


Network Failures without CLU2827 during High Traffic Conditions



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2nd RUN: Network Failures with CLU2827 at 30ft during High Traffic Conditions



Legend

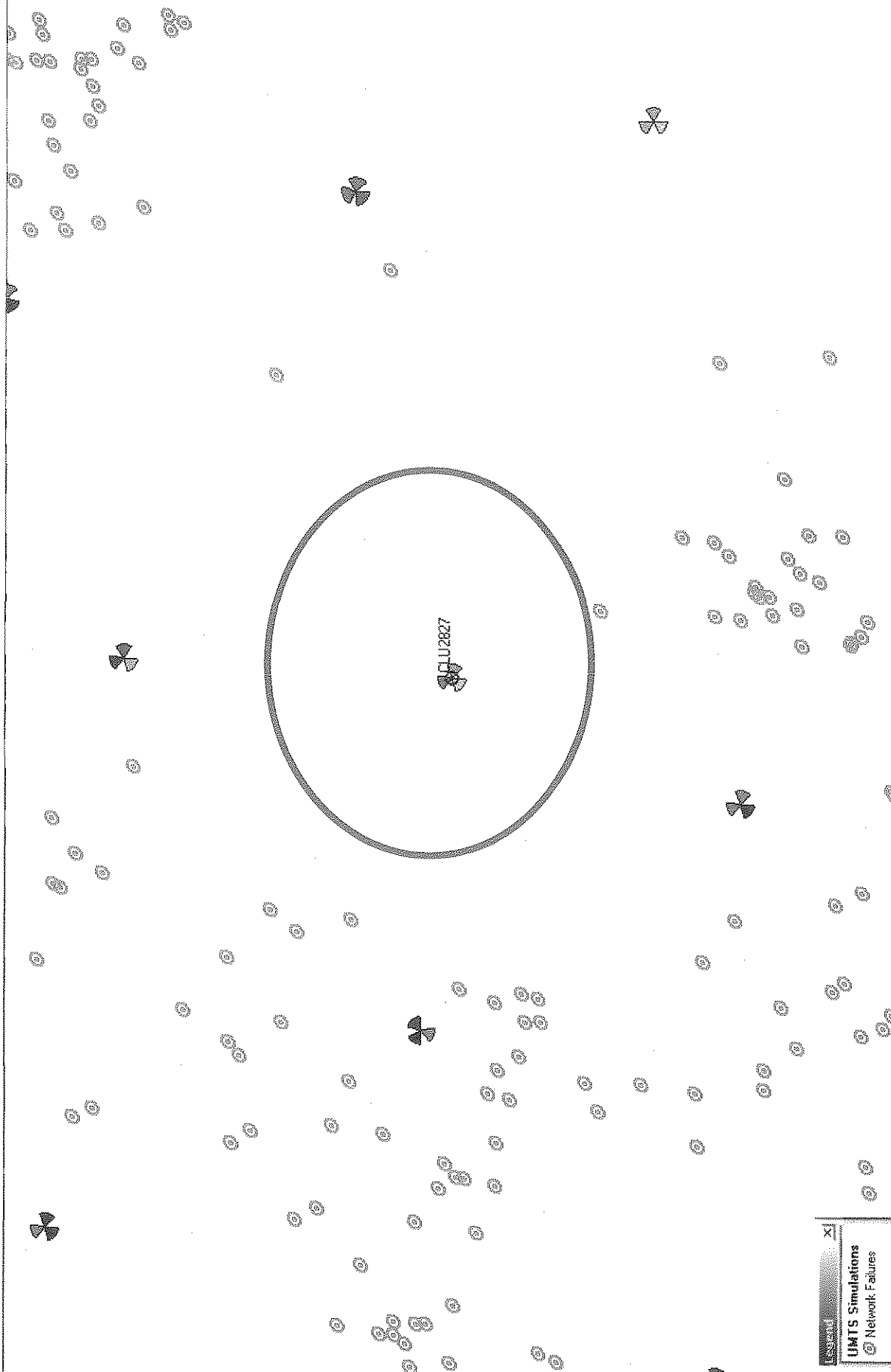
UMTS Simulations

Network Failures

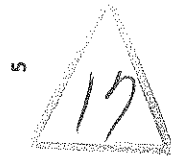
16



2nd RUN: Network Failures with CLU2827 at 39ft during High Traffic Conditions



Legend





BLACK & VEATCH
Building a world of difference.



PHOTO SIMULATION

PROPOSED WIRELESS COMMUNICATIONS FACILITY

SITE LOCATION MAP

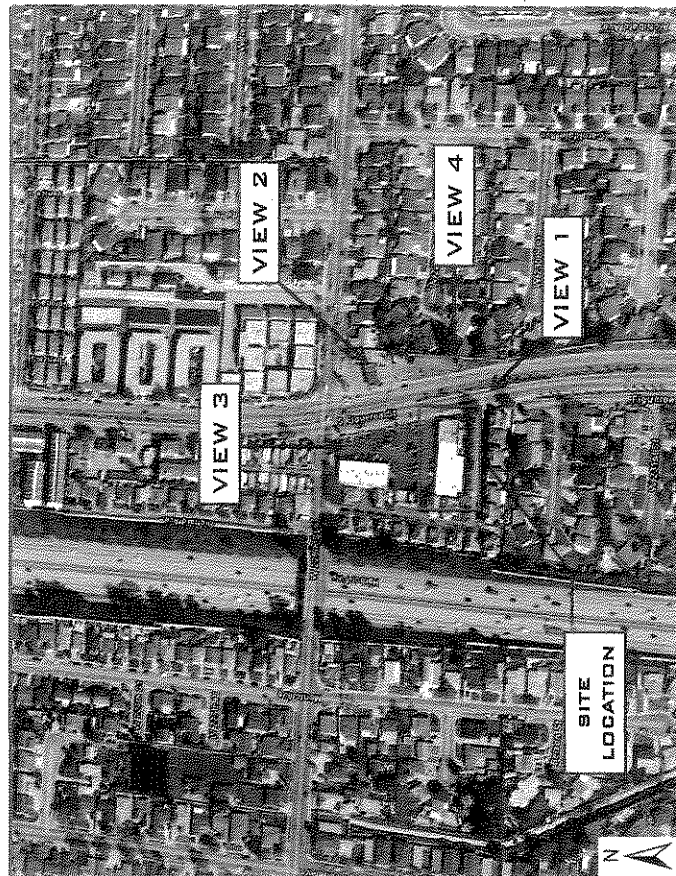


Image from Google Maps 2011©

SITE NUMBER:

LA0556 (125482)

SITE NAME:

STRIP CENTER CARSON

SITE ADDRESS:

22829 FIGUEROA STREET
CARSON, CA 90745

DATE:

08/24/11

APPLICANT:

AT&T WIRELESS

CONTACT:

MINDY HARTSTEIN
BV MARKET MANAGER - NSB
(562) 229-8610

BLACK & VEATCH CORPORATION - 10950 GRANDVIEW DRIVE - BUILDING 34 - OVERLAND PARK, KS 66210 - 913-455-2000

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EXHIBIT NO. 4 -

18



EXISTING SITE



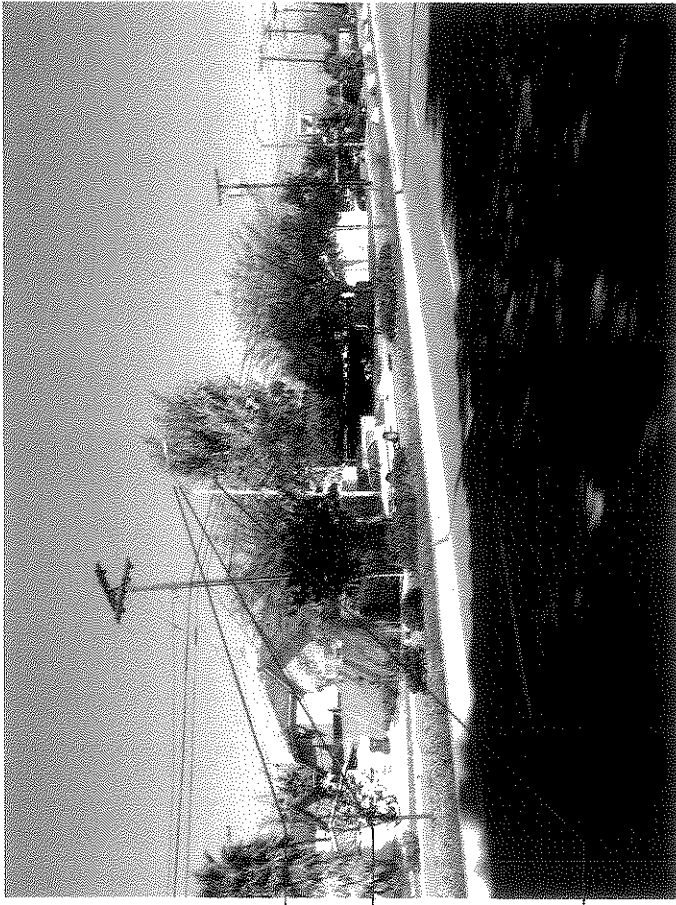
EXISTING VIEW -
LOOKING NORTHWEST

PROPOSED 39'-0" EUCALYPTUS MONOPOLE

(1) PROPOSED 4'-0" AT&T
MICROWAVE DISH ANTENNA
MOUNTED TO PROPOSED
EUCALYPTUS MONOPOLE

(12) PROPOSED AT&T
ANTENNAS INSTALLED TO
PROPOSED EUCALYPTUS
MONOPOLE

PHOTO SIMULATION -
LOOKING NORTHWEST



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EXISTING SITE



EXISTING VIEW -
LOOKING SOUTHWEST

PROPOSED 39'-0" EUCALYPTUS MONOPOLE

(1) PROPOSED 4'-0" AT&T
MICROWAVE DISH ANTENNA
MOUNTED TO PROPOSED
EUCALYPTUS MONOPOLE

(12) PROPOSED AT&T
ANTENNAS INSTALLED TO
PROPOSED EUCALYPTUS
MONOPOLE

PHOTO SIMULATION -
LOOKING SOUTHWEST





EXISTING SITE



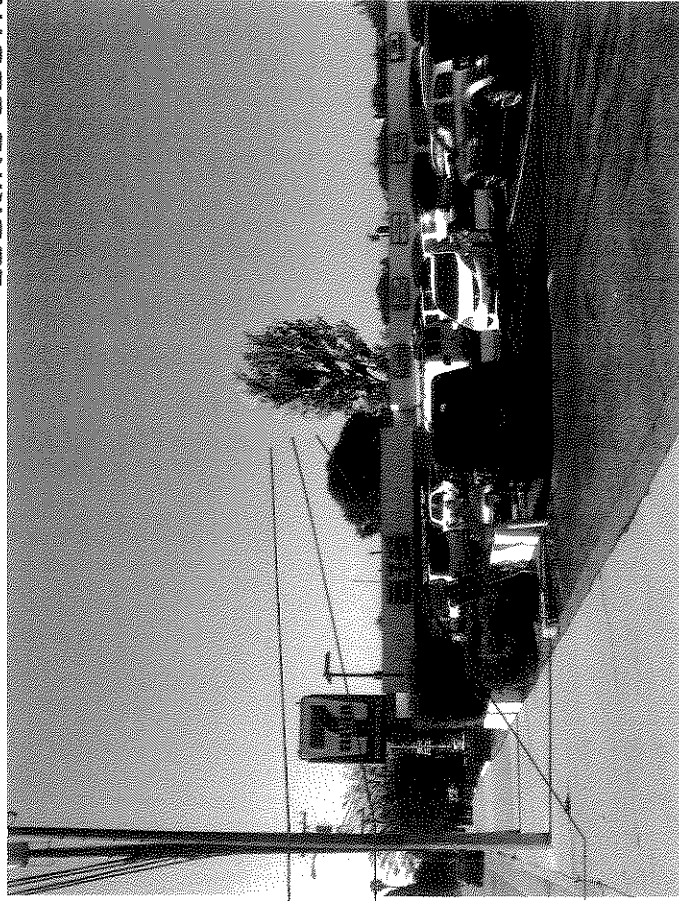
EXISTING VIEW -
LOOKING SOUTH

PROPOSED 39'-0" AT&T
EUCALYPTUS MONOPOLE

(1) PROPOSED 4'-0" AT&T
MICROWAVE DISH ANTENNA
MOUNTED TO PROPOSED
EUCALYPTUS MONOPOLE

(12) PROPOSED AT&T
ANTENNAS INSTALLED TO
PROPOSED EUCALYPTUS
MONOPOLE

PHOTO SIMULATION -
LOOKING SOUTH



21



EXISTING SITE



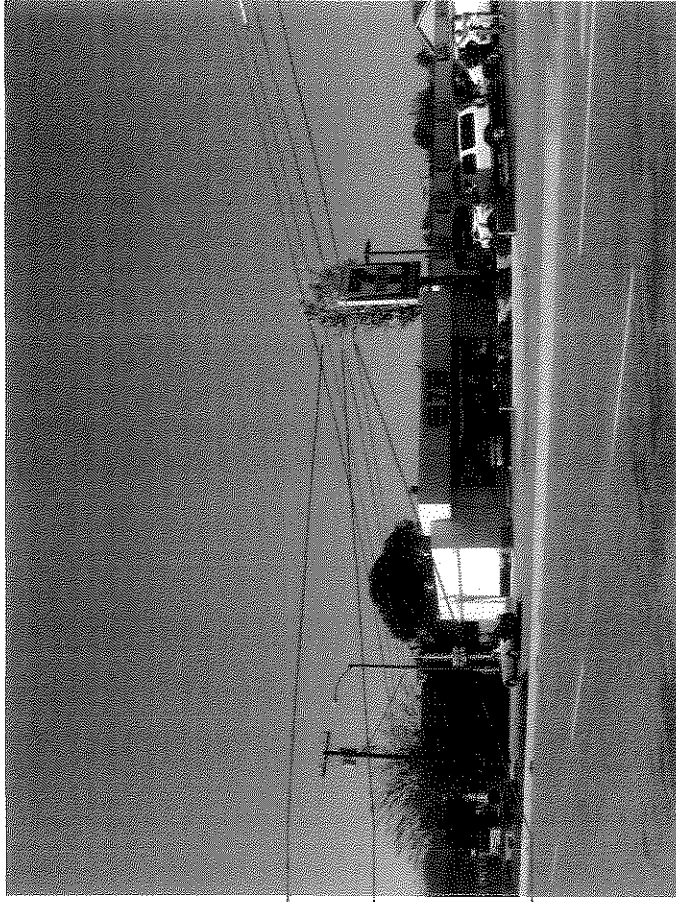
EXISTING VIEW -
LOOKING WEST

PROPOSED 39'-0" EUCALYPTUS MONOPOLE

(1) PROPOSED 4'-0" AT&T MICROWAVE DISH ANTENNA MOUNTED TO PROPOSED EUCALYPTUS MONOPOLE

(4) PROPOSED AT&T ANTENNAS AND (4) PROPOSED RRU'S PER SECTOR MOUNTED TO PROPOSED EUCALYPTUS MONOPOLE

PHOTO SIMULATION -
LOOKING WEST



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON
APPROVING DESIGN OVERLAY REVIEW NO. 1423-11 AND CONDITIONAL USE
PERMIT NO 883-11 FOR A MAJOR EXCEPTION TO BUILD A 39-FOOT-HIGH MAJOR
COMMUNICATIONS FACILITY DISGUISED AS A EUCALYPTUS TREE (MONO-
EUCALYPTUS), CONSTRUCT A 280-SQUARE-FOOT EQUIPMENT SHELTER, AND
PROVIDE GENERAL SITE IMPROVEMENTS TO A PROPERTY LOCATED AT 22829
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, Reliant Land Services, Inc., with respect to real property located at 22829 Figueroa Street and described in Exhibit "A" attached hereto, requesting approval to construct a 39-foot-high, major communications facility disguised as a Eucalyptus tree (mono-eucalyptus) on a 35,000 square foot lot in the CG-D (Commercial, General – Design Overlay) zoning district.

A public hearing was duly held on February 28, 2012, at 6:30 P.M. at the Carson 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 the following Section 9172.23(D), Site Plan and Design Review – Approving Authority Findings and Decision; Section 9172.21(D) – Commission Findings and Decision; Section 9143 – Conditional Use Criteria; and Section 9138.16(H) – Required Findings of the Carson Municipal Code, the Planning Commission finds that:

- a) The subject property is designated as Heavy Industrial within the Land Use Element of the General Plan. Surrounding properties to the north, south and east have General Plan Land Use designations of Heavy Industrial. To the west of the subject property is Wilmington Avenue. Properties to the west across Wilmington Avenue have a General Plan Land Use Designation of Light Industrial. There are no specific plans for the area. The project site is located in the eastern portion of the City of Carson on the east side of Wilmington Avenue, north of 213th Street and south of Dominguez Street. Surrounding uses include: a pallet company to the north; manufacturing and warehouse to the south; manufacturing and auto repair/logistics to the west; and freight forwarding/warehouse to the east. The proposed use is permitted use in the MH zoning district and will be compatible with these surrounding uses in that it will not significantly impact adjacent properties, in terms of noise, dust, odor, aesthetics or other environmental considerations. The proposed project is appropriate as it will not alter the intended heavy industrial use of the subject property.
- b) The proposed mono-broadleaf and related equipment, power and telephone company equipment cabinetry will occupy a lease area of approximately 640 square feet at the rear of the property along the eastern property line in an area where an existing trash area is located. A new trash area will be constructed to the north of the new cell site pursuant to applicable CMC sections. The

property is generally rectangular in shape. Power is located on the south-eastern end of the property within the existing building. Numerous trees are located on Wilmington Avenue in front of the subject property. Additional landscape screening is not necessary due to the location of the lease area within the industrial area and its location in the rear of the property. The proposed development is intended to resemble a broadleaf tree to complement the existing trees on the site along the rear perimeter of the property. As such, the aesthetic impacts will be lessened, thus helping to achieve a harmonious and attractive development of the area.

- c) Access to the facility for routine maintenance or emergency repair is proposed on Wilmington Avenue along a 12-foot easement for ingress and egress. The proposed facility will not impact traffic in the vicinity except possibly during the construction phase of the project and for the occasional maintenance vehicle. Safety and convenience of vehicular and pedestrian access will not be hindered by the proposed development.
- d) Apart from the required safety, directional or information signs, no product advertising signs are proposed for the project. The proposed facility is intended to simulate a broad leaf tree, in terms of shape and appearance. The use of synthetic rubber bark and leaves will be effective in helping to stealth the facility.
- e) The applicant considered other industrial sites to the north and south but the sites did not provide adequate space for equipment needed for a co-locatable facility. Determining factors in site selection included the ability to lease the necessary property, ability to construct the proposed site, conformance to the zoning code, and the ability to provide adequate radio frequency coverage and connect to surrounding network sites. The subject site was chosen based on these determinants.
- f) The subject property is approximately six acres, rectangular and flat. The site is already developed for an industrial use. The site is located off of a major street and is surrounded by developed properties that are served by adequate infrastructure and utilities. Thus there are adequate utilities to provide and maintain service to the proposed use. The applicant intends to underground required power, telephone lines and other utilities.
- g) The proposed use will not negatively impact the vicinity in terms of parking, traffic, noise and safety. The intended character of the area is for industrial activities which the proposed use is compatible.
- h) 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 disguising the facility to resemble a broadleaf tree. The synthetic tree branches, colored to simulate real branches, will feature synthetic leaves. The pole will be wrapped in a synthetic rubber material designed to resemble bark.
- i) 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 – Approving Authority Findings and Decision; Section 9172.21(D) – Commission Findings and Decision; Section 9143 – Conditional Use Criteria; and Section 9138.16(H), Wireless



Telecommunication Facilities – Required Findings of the Carson Municipal Code, can be made in the affirmative.

Section 4. The Planning Commission further finds that the proposed installation of a wireless telecommunications facility on a developed industrial property does not have the potential for causing a significant effect on the environment and is found to be categorically exempt, pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA).

Section 5. Based on the aforementioned findings, the Commission hereby grants Design Overlay Review No. 1310-09, Conditional Use Permit No. 924-09, and Conditional Use Permit No. 925-09 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

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

Section 7. This action shall become final and effective fifteen days after the adoption of this Resolution 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 8th DAY OF SEPTEMBER, 2009.

CHAIRMAN

ATTEST:

SECRETARY



EXHIBIT "A"

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

That portion of Lot 1 of E. M. McDonald's Subdivision of Lot 8 of the 750 Acre Maria Machado de Rocha Tract, in the Rancho San Pedro, in the City of Carson, County of Los Angeles, State of California, as per map recorded in Book 52, Page 3, of Miscellaneous Records, in the Office of the County Recorder of said County, bounded by the following described lines:

On the West by the West line of said Lot 1; on the North by the South line of the Northerly 153.50 feet (as measured along the Westerly line) of said Lot 1; on the East by the Westerly line of Figueroa Street, 100 feet wide, as described in the deed to the County of Los Angeles, recorded in Book 12368, Page 242, Official Records, of said County; on the South by the Northerly line of the Southerly 980 feet of said Lot 1.

Assessor's Parcel Number: **7363-001-044**



CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 1423-11
CONDITIONAL USE PERMIT NO. 883-11

GENERAL CONDITIONS

1. If a building permit plan check submittal proposing the implementation of Design Overlay Review No. 1423-11, Conditional Use Permit No. 883-11 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. 1423-11, and Conditional Use Permit No. 883-11. 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.

PARKING

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

UTILITIES

12. All utility lines will be painted the same color as the structures to reduce visibility.

AESTHETICS

13. 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.
14. The major communications facility shall not exceed 39 feet in height, up to and including the faux branches and leaves.



15. All electrical and Telco wiring shall be placed underground or concealed within the building or structure, as noted in the approved drawings.
16. The ground equipment enclosure(s) shall be compatible with the architectural design of the main building.
17. The main support structure (pole) for the major communications facility shall be coated with a synthetic rubber material resembling tree bark, subject to approval by the Planning Officer. All other supporting structure(s) shall be painted a non-glossy, neutral color, subject to approval by the Planning Officer.
18. Graffiti shall be removed from all project areas within 3 days of written notification by the City of Carson. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Commission for review and further consideration of site modifications (i.e., fencing, landscaping, chemical treatment, etc.).

SIGNS

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

FENCES/WALLS

20. All fences, walls and hedges shall be located and constructed in compliance with the standards as provided for in Section 9136.3 (commercial zones) or Section 9146.3 (industrial zones) of the Zoning Ordinance.

LIGHTING

21. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9147.1 (Industrial Zones) of the Zoning Ordinance.

NOISE

22. All major communication facilities shall be constructed and operated in such a manner as to meet the requirements of the Noise Ordinance.
23. Backup generators shall only be operated during power outages and for testing and maintenance purposes.

BUILDING AND SAFETY

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



FIRE DEPARTMENT - COUNTY OF LOS ANGELES

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

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

28. If needed, easements shall be granted to the City, appropriate agency, or entity for the purposed 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.
29. Any city-owned improvement damaged during the construction of the proposed project shall be removed and reconstructed per City Standard Plan and to the satisfaction of the City Engineer prior to the issuance of a building permit.
30. Prior to the issuance of a Building Permit, Proof of Worker's Compensation and Liability Insurance must be on file with the Los Angeles county Building and Safety Department.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

31. 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.

OTHER

32. 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.

