



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS CONSENT:

March 27, 2012

SUBJECT:

Extension of time for Design Overlay Review No. 1376-10, Conditional Use Permit No. 837-10 and Conditional Use Permit No. 838-10

APPLICANT:

Trillium for T-Mobile West
Attention: Tim Miller (tmiller@trilliumcos.com)
5912 Bolsa Avenue
Huntington Beach, CA 92649

OWNER:

Public Storage
Attention: Lori Kind
701 Western Avenue
Glendale, CA 91201-2349

REQUEST:

A one-year time extension for Design Overlay Review No. 1376-10, Conditional Use Permit No. 837-10 and Conditional Use Permit No. 838-10

PROPERTY INVOLVED:

1421 East Del Amo Boulevard

COMMISSION ACTION

☐ Concurred with staff
☐ Did not concur with staff
☐ Other

COMMISSIONERS' VOTE

<u>AYE</u>	<u>NO</u>		<u>AYE</u>	<u>NO</u>	
		Chairman Faletogo			Saenz
		Vice-Chair Gordon			Schaefer
		Brimmer			Verrett
		Diaz			Williams
		Goolsby			

I. Introduction

The applicant, Trillium for T-Mobile West, is requesting a one-year time extension for Design Overlay Review No. 1376-10, Conditional Use Permit No. 837-10 and Conditional Use Permit No. 838-10. The property is located at 1421 East Del Amo Boulevard and is in the ML-D (Manufacturing, Light; Design Review) zoning district.

II. Background

This project was approved by the Planning Commission at their meeting on January 11, 2011. Design Overlay Review No. 1376-10, Conditional Use Permit No. 837-10 and Conditional Use Permit No. 838-10 were approved for a 60-foot high unmanned wireless telecommunication facility designed as a eucalyptus tree.

III. Analysis

Pursuant to Section 9172.21 – Conditional Use Permit, and Section 9172.23 – Site Plan and Design Review of the Carson Municipal Code, expiration of a conditional use permit and a site plan and design review request may be extended for one year from the date of original expiration. Due to budget constraints, the applicant has requested additional time to complete the project. The applicant submitted the extension of time request on March 7, 2012.

IV. Recommendation

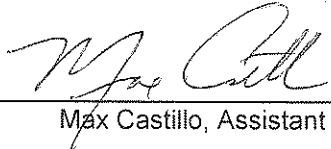
That the Planning Commission:

- **APPROVE** the extension of time until January 11, 2013 for Design Overlay Review No. 1376-10, Conditional Use Permit No. 837-10 and Conditional Use Permit No. 838-10; and
- **ADOPT** a minute resolution extending the approval of Design Overlay Review No. 1376-10, Conditional Use Permit No. 837-10 and Conditional Use Permit No. 838-10 to January 11, 2013.

V. Exhibit

1. Planning Commission Resolution No. 10-2356 adopted on January 11, 2011

Prepared by:


Max Castillo, Assistant Planner

Approved by:


Sheri Repp-Loadsman, Planning Division Manager



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 10-2356

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1376-10, CONDITIONAL USE PERMIT NO. 837-10 AND CONDITIONAL USE PERMIT NO. 838-10 TO CONSTRUCT A 60-FOOT HIGH UNMANNED WIRELESS TELECOMMUNICATION FACILITY DESIGNED AS A EUCALYPTUS TREE AT 1421 EAST DEL AMO BOULEVARD

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 for T-Mobile West Corporation, represented by Tim Miller, with respect to real property located at 1421 East Del Amo Boulevard, and described in Exhibit "A" attached hereto, requesting approval of Design Overlay Review No. 1376-10, Conditional Use Permit No. 837-10 and Conditional Use Permit No. 838-10 to construct a 60-foot high unmanned wireless telecommunication facility designed as a eucalyptus tree for T-Mobile Wireless West in the ML-D (Manufacturing, Light; Design Review) zoning district. The project includes twelve (12) panel antennas. The new antennas will be located at 60 feet above ground level. Six equipment cabinets will be located within a 22 foot by 27 foot existing storage space adjacent to the proposed tower.

Section 2. A public hearing was duly held on November 9, December 14, 2010 and January 11, 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. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meetings.

Section 3. Pursuant to Section 9138.16(D), the proposed project is a freestanding structure and is considered a Major Wireless Telecommunication Facility subject to the approval of a development plan in accordance with the Site Plan and Design Review (DOR) procedures as provided in Section 9172.23, and Conditional Use Permit (CUP) procedures as provided in Section 9172.21. Pursuant to Section 9138.16.F, the facility exceeds the maximum height limit by 10 feet (20 percent) and is subject to approval of a conditional use permit in accordance with Section 9138.16.G and Conditional Use Permit (CUP) procedures as provided in Section 9172.21. The Planning Commission finds that:

- a) The General Plan designates the property as Light Industrial which is compatible with the proposed use. The proposed use and development of a wireless telecommunication facility will be consistent with the surrounding industrial uses and is appropriate for the subject property as proposed.
- b) The project is compatible in design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open spaces and other features relative to a harmonious and attractive development of the area. The proposed project will blend with existing trees in the area, particularly those to the north at Mills Park.



PASSED, APPROVED AND ADOPTED THIS 11th DAY OF JANUARY, 2011.


CHAIRMAN

ATTEST:

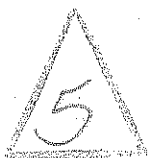

SECRETARY

CITY OF CARSON
ECONOMIC DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"

CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 1376-10
CONDITIONAL USE PERMIT NO. 837-10
CONDITIONAL USE PERMIT NO. 838-10

GENERAL CONDITIONS

1. If a building permit is not issued within one year of the date of approval of Design Overlay Review No. 1376-10, Conditional Use Permit No. 837-10 and Conditional Use Permit No. 838-10, said permits shall be declared null and void unless an extension of time is requested prior to their 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 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 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. 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 Design Overlay Review No. 1376-10, Conditional Use Permit No. 837-10, and Conditional Use Permit No. 838-10. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

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

NOISE

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



ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

14. 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

15. 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.

