



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS CONSENT: September 25, 2012

SUBJECT: Modification No. 2 to Design Overlay Review No. 972-06 and Conditional Use Permit No. 632-06

APPLICANT: Karri Keeble for Sprint PCS
5955 De Soto Avenue #142
Woodland Hills, CA 91367

REQUEST: To approve the replacement of nine panel antennas and minor equipment upgrades for an existing 58-foot, 6-inch high unmanned wireless 'monopine' facility in the ML (Manufacturing, Light) zone

PROPERTY INVOLVED: 727 East 223rd Street

COMMISSION ACTION

☐ Concurred with staff

☐ Did not concur with staff

☐ Other

COMMISSIONERS' VOTE

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

I. Introduction

The applicant, Karri Keeble for Sprint PCS, is requesting to replace nine panel antennas with similar antennas and upgrade equipment for an unmanned wireless telecommunications facility stealthed as a pine tree at 727 East 223rd Street. The site is located in the ML-D (Manufacturing, Light; Design Overlay) zone.

On November 28, 2006, the Planning Commission approved Design Overlay Review No. 972-06, Conditional Use Permit No. 632-06 and Conditional Use Permit No. 633-06, which included the following:

- Design Overlay Review (DOR) for architectural design;
- Conditional Use Permit (CUP) for a major wireless telecommunication facility; and
- Conditional Use Permit (CUP) to exceed the maximum height limit of 50 feet in the ML zoning district.

On April 13, 2010, the Planning Commission approved Modification No. 1 to Design Overlay Review No. 972-06, Conditional Use Permit No. 632-06 and Conditional Use Permit No. 633-06, which included the following:

- Install additional antennas and equipment to the existing monopine.

This request has been referred to the Planning Commission as a minor modification to the DOR and CUP No. 632-06 with no public hearing required. A modification to CUP No. 633-06 is not required for height.

II. Background

A 12,028-square-foot industrial building exists at the site and was constructed in 1968. The existing monopine facility was permitted and constructed in 2002 for Nextel Communications prior to the enactment of the City's Wireless Telecommunications Facilities Ordinance in 2003.

III. Analysis

Per Condition No. 3 of the approved conditions of approval, substantial changes require review by the Planning Commission.

The existing facility includes nine (9) panel antennas at a height of 57 feet 1 inch. The panel antennas are at a height of 47 feet and there is an equipment cabinet within an 11-foot by 36-foot lease area next to the monopine. Sprint PCS proposes to replace the nine panel antennas at 57 feet 1 inch with antennas of



similar size and radio units attached directly behind the antennas. Minor upgrades were also proposed and include replacing telecommunication cables, retrofitting cabinets and installing an equipment box with no change to the current lease area. The staff report for Modification No. 1 (without exhibits) is included as Exhibit No. 1.

The facility is disguised as a pine tree and blends with existing landscaping in the area as seen from a distance. Other surrounding land uses are light and heavy industrial uses and the proposed project is compatible with those uses.

The site is a developed rectangular parcel. The site is 24,384 square feet in size and has a driveway approach along 223rd Street. The property is located on the north side of 223rd Street.

Staff believes the proposed antennas and equipment upgrades will meet and exceed all requirements of the Carson Municipal Code. Existing conditions of approval ensure that the proposed antennas will not have a negative impact on the surrounding areas.

IV. Conclusion

Staff recommends that the proposed antennas and minor equipment upgrades can be approved for the site. The antennas and equipment will not intensify the existing communications facility.

V. Recommendation

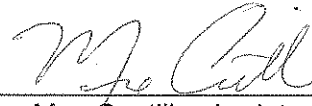
That the Planning Commission:

- **APPROVE** Modification No. 2 to Design Overlay Review No. 972-06, Conditional Use Permit No. 632-06 and Conditional Use Permit No. 633-06; and
- **ADOPT** a minute resolution and instruct staff to make necessary changes to Resolution No. 06-2120

VI. Exhibits

1. Staff Report for Modification No. 1 to Design Overlay Review No. 972-06, Conditional Use Permit No. 632-06, and Conditional Use Permit No. 633-06 dated April 13, 2010 (without exhibits)
2. Planning Commission Resolution No. 06-2120
3. Project Plans and Photosimulations (Separate from this report)


Prepared by:


Max Castillo, Assistant Planner

Reviewed by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp-Loadman, Planning Officer

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CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS CONSENT: April 13, 2010

SUBJECT: Modification No. 1 to Design Overlay Review No. 972-06, Conditional Use Permit No. 632-06 and Conditional Use Permit No. 633-06

APPLICANT: Lynn Van Aken for Sprint/Nextel
27271 Las Ramblas, Suite 200
Mission Viejo, California 92691

REQUEST: To collocate onto an existing 58-foot 6-inch high unmanned wireless telecommunications facility stealthed as a pine tree located in the ML (Manufacturing, Light) zone and within the Redevelopment Project Area No. 4.

PROPERTY INVOLVED: 727 East 223rd Street

COMMISSION ACTION

☒ Concurred with staff

☐ Did not concur with staff

☐ Other

Commissioner Park moved, seconded by Commissioner Graber, to concur with staff recommendation; and to add a condition which requires the applicant to improve the aesthetics of the pine tree by filling in the missing tree branches within the next 90 days. Motion carried (Commissioner Brimmer had not yet arrived; absent Vice-Chairman Saenz).

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
✓		Chairman Faletogo	✓		Graber
Absent		Vice-Chair Saenz	✓		Park
Absent		Brimmer	✓		Schaefer
✓		Brown	✓		Verrett
✓		Gordon			

EXHIBIT NO. 1 -

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AM

I. Introduction

The applicant, Lynn Van Aken for Sprint/Nextel, is requesting to install additional antennas and equipment to an existing 58-foot 6-inch unmanned wireless telecommunications facility stealthed as a pine tree at 727 East 223rd Street. The site is zoned ML (Manufacturing, Light) and within Redevelopment Project Area No. 4.

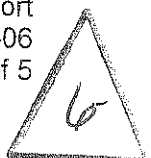
On November 28, 2006, the Planning Commission approved Design Overlay Review No. 972-06, Conditional Use Permit No. 632-06 and Conditional Use Permit No. 633-06 for a collocation on an existing wireless telecommunications facility. The item was originally discussed at the December 8, 2009 Planning Commission meeting and continued to allow additional time for the previous applicant to comply with all prior conditions of approval for Design Overlay Review No. 972-06, Conditional Use Permit No. 632-06 and Conditional Use Permit No. 633-06.

II. Background

The existing monopine was permitted and constructed in 2002 prior to the current ordinance taking effect. As such, it was approved without discretionary review by the Planning Commission. In 2003, the current Telecommunication Ordinance was adopted which allowed legal nonconforming facilities to continue for five years until 2008. By 2008, those legal nonconforming facilities were required to either abate or become conforming through the discretionary review process.

In 2006, staff received an application for a collocation from Metro PCS. In order to approve the collocation, the applicant was required to receive approval for the entire monopine. On November 28, 2006, the Planning Commission granted approval of the existing monopine pursuant to the Telecommunication Ordinance and permitted the collocation (Design Overlay Review No. 972-06, Conditional Use Permit No. 632-06, and Conditional Use Permit No. 633-06). The conditions of approval required the applicant to plant a live pine tree in the northern portion of the property to provide screening of the facility from the residences to the north and improve stealthing of the monopine.

On September 12, 2007, staff inspected the site and agreed with the previous applicant that the pine tree could not be planted in the northern portion of the property because of existing development and lease agreements. Staff agreed that the live tree should be planted to the east in the parking lot 56 feet from the front property line within a 5 foot by 7 foot planter area. Additionally, the Planning Commission required the removal and replacement of fencing adjacent to the monopole site.



On June 1, 2009, Sprint/Nextel submitted the current application to collocate on the existing monopine. Upon review, staff discovered that the previous applicant, MetroPCS, did not complete the required conditions of approval relating to the planting of the tree and replacement of fencing. Furthermore, the previous applicant allowed the building permit to expire by not finalizing the process.

At the December 8, 2009 meeting, this proposal for a collocation was submitted before the Planning Commission at which time concerns were discussed by the Commission regarding the landscaping, fencing and building permit. The staff report (without exhibits) from this meeting is included as Exhibit No. 1.

III. Analysis

Since the December 8, 2009 meeting, staff has worked with the previous applicant to complete the improvements required in the conditions of approval as described in Resolution No. 06-2120 (Exhibit No. 2). In particular, a live tree has been planted in the parking lot within a 5 foot by 7 foot planter area and the fencing to the west of the project site has been removed and replaced. On a recent field inspection, staff observed that new slats were installed along 60 feet of the western property line to satisfy the condition of approval.

Planning staff has worked with Building and Safety to address the expired building permit. Since all corrections have been made and compliance with the conditions of approval is satisfactory, Building and Safety reinspected the facility and finalized the building permit on March 10, 2009. As such, the existing monopine is in compliance and consideration of a collocation can be supported since the Telecommunication Ordinance encourages collocation to avoid the proliferation of new telecommunication structures.

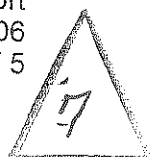
Issues of Concern: Mailing

At the December 8, 2009 Planning Commission meeting, the applicant indicated that the agenda had not been mailed. Staff reviewed the mailing and discovered the agenda had been mailed to the applicant, however the applicant had moved to a new address and did not update the application. The applicant's previous mailing address was located in Irvine, CA. The applicant's new address is in Mission Viejo, CA. Staff has ensured that this agenda and staff report are sent to the correct mailing address. In addition, the agenda and all staff reports are posted on the city's website on the Thursday before the Planning Commission meeting at the following address:

http://ci.carson.ca.us/content/departments/eco_dev_service/planning_agenda.asp

Issues of Concern: Building Permit

At the December 8, 2009 Planning Commission meeting, the Planning Commission moved to place this item as a public hearing because the previous conditions of approval had not been met. Although it would be appropriate to



schedule the previous approval for a revocation hearing, it is staff's opinion that by working with the applicants in achieving compliance with the conditions of approval and obtaining a final building permit, that a revocation hearing would be unnecessary, cumbersome, and unbeneficial to all sides involved. Instead, staff has worked with the current and previous applicants to resolve the issues and bring the monopine into conformance. The existing monopine now conforms with the requirements of the Carson Municipal Code, is properly stealthed and appropriate for collocation as encouraged in the Telecommunication Ordinance.

Issues of Concern: Condition No. 13: Live Tree

The Planning Commission originally required that a 40-foot high pine tree be planted in the northern portion of the property. The applicant has expressed concern about this requirement because the northern portion of the property is used for storage and the lease agreement does not allow for such alterations to this area. Furthermore, the chances of a live 40-foot high pine tree surviving a replanting is slim and its growth may be stunted or unhealthy. As such, the applicant has agreed to plant a 24-inch box tree in the parking lot east of the monopine. The tree will be in a 5 foot by 7 foot planter area and supplied with automatic irrigation. It will blend with existing trees in the parking lot and will provide shade for vehicles. Staff has verified that the tree has been planted and recommends that the Planning Commission amend Condition No. 13 as follows:

~~13. An additional pine tree 40 feet in height shall be planted to the north of the telecommunication facility to screen the facility from residential areas to the north of the property.~~ An additional tree shall be planted in the parking lot to the east of the telecommunication facility to the satisfaction of the Planning Division.

IV. Conclusion

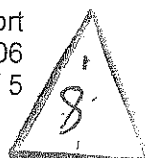
Staff concludes that all conditions for Design Overlay Review No. 972-06, Conditional Use Permit No. 632-06 and Conditional Use Permit No. 633-06 have been met. The final building permit is attached for review (Exhibit No. 3).

Staff therefore recommends that the proposed antennas for Sprint/Nextel can be approved for the site. It is staff's opinion that the antennas will not create any adverse effect to the site or adjacent properties.

V. Recommendation

That the Planning Commission:

- **APPROVE** Modification No. 1 to Design Overlay Review No. 972-06, Conditional Use Permit No. 632-06 and Conditional Use Permit No. 633-06 by amending Condition No. 13 to read as follows: "13. An additional tree shall be planted in the parking lot to the east of the telecommunication facility to the satisfaction of the Planning Division"; and

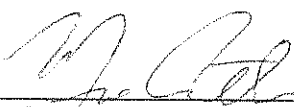


- **ADOPT** a minute resolution and instruct staff to make necessary changes to Resolution No. 06-2120.

VI. Exhibits

1. Staff Report from December 8, 2009 Planning Commission Meeting (Without Exhibits)
2. Planning Commission Resolution No. 06-2120
3. Final Building Permit dated March 10, 2010
4. Planning Commission Disposition – December 8, 2009 – Item 12A
5. Photo simulations (Separate from this report)
6. Project Plans (Separate from this report)


Prepared by:


Max Castillo, Assistant Planner

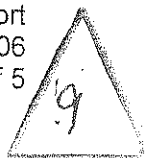
Reviewed by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp-Loadsman, Planning Officer

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CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: December 8, 2009

SUBJECT: Modification No. 1 to Design Overlay Review No. 972-06, Conditional Use Permit No. 632-06 and Conditional Use Permit No. 633-06

APPLICANT: Lynn Van Aken for Sprint/Nextel
320 Commerce Ste. 200
Irvine, CA 92602

REQUEST: To collocate onto an existing 58-foot 6-inch high unmanned wireless telecommunications facility stealthed as a pine tree located in the ML (Manufacturing, Light) zone and within the Redevelopment Project Area No. 4.

PROPERTY INVOLVED: 727 East 223rd Street

COMMISSION ACTION

☐ Concurred with staff

☐ Did not concur with staff

☒ Other

Commissioner Brown moved, seconded by Commissioner Brimmer, to place this matter on a future Agenda for public hearing when all prior conditions of approval have been met. No objection was noted.

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chairman Faletogo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Graber
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Vice-Chair Saenz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Park
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brimmer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Schaefer
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Verrett
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Gordon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 06-2120

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
CARSON APPROVING DESIGN OVERLAY REVIEW NO. 972-06,
CONDITIONAL USE PERMIT NO. 632-06 AND
CONDITIONAL USE PERMIT NO. 633-06

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, Pacific Communication Group, Inc., with respect to real property located at 727 East 223rd Street, and described in Exhibit "A" attached hereto, requesting the approval of a Site Plan and Design Review and Conditional Use Permits to permit and collocate an unmanned wireless facility on an existing 57-foot high unmanned wireless 'monopine' facility in the ML (Manufacturing, Light) zone and within Redevelopment Project Area No. 4.

A public hearing was duly held on November 28, 2006, at 6:30 P.M. at City Hall, Council Chambers, 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. 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 light and heavy industrial uses and is appropriate for the subject property as proposed;
- b) The project is compatible in design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open spaces and other features relative to a harmonious and attractive development of the area;
- c) The site is also adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development. The surrounding land uses are light and heavy industrial uses and the proposed project is compatible with those uses. The site is 24,384 square feet in size, and is flat;
- d) The proposed telecommunication facility will only require monthly maintenance visits and is otherwise not occupied, therefore the off-street parking requirements are not applicable and circulation on the adjacent public streets will not be adversely impacted. Safety and convenience of vehicular and pedestrian access is provided with the on-site private driveway;



- 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 height of the antenna will allow co-location of other telecommunications facilities on the existing 'monopine' facility.
- g) The existing site is located toward the front of the subject property where it is least visible from residential areas to the north. The facility will be disguised as a pine tree and will blend with existing landscaping in the area as seen from a distance. A live 40-foot high pine tree will be planted north of the existing site to provide additional screening;
- 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 as a pine tree;
- 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 9172.21(D), "Conditional Use Permit", Section 9172.23(D), "Site Plan and Design Review, Approval Authority and Findings and Decision", Section 9138.16(G), "Wireless Telecommunication Facilities, Minor Exceptions" and Section 9138.16(H), "Wireless Telecommunication Facilities, Required Findings" are made in the affirmative.

Section 4. The Planning Commission further finds that the use permitted by the proposed Site Plan and Design Review and Conditional Use Permits will not have a significant effect on the environment. The existing facility will not alter the predominantly character of the surrounding area and meets or exceeds 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. 972-06, Conditional Use Permit No. 632-06 and Conditional Use Permit No. 633-06 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 28th DAY OF NOVEMBER, 2006


CHAIRMAN

ATTEST:


SECRETARY

EXHIBIT "A"

Legal Description

THE WEST 175.00 FEET OF THE 381.00 FEET OF THE SOUTH
157.02 FEET OF LOT 10, TRACT 2982 IN THE CITY OF CARSON,
LOS ANGELES COUNTY, STATE OF CALIFORNIA PER MAP
RECORDED IN BOOK 35 PAGE 31 OF MAPS, RECORDS IN THE
OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

CITY OF CARSON *(Conds. Amended on 4-13-10)
DEVELOPMENT SERVICES
PLANNING DIVISION

EXHIBIT "B"

CONDITIONS OF APPROVAL

DESIGN OVERLAY REVIEW NO. 972-06

CONDITIONAL USE PERMIT NO. 632-06

CONDITIONAL USE PERMIT NO. 632-06

GENERAL CONDITIONS

1. If a building permit plan check submittal proposing the implementation of Design Overlay Review No. 972-06, Conditional Use Permit No. 632-06 and Conditional Use Permit No. 633-06 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 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 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 Design Overlay Review No. 972-06, Conditional Use Permit No. 632-06 and Conditional Use Permit No. 633-06. 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 ground equipment and supporting structure(s) shall be painted a neutral, non-glossy color.
 - a) The applicant shall provide a new chain link fence with wooden slats along the westerly property line in order to provide screening, as necessary, and to replace any fencing found to be dilapidated or in poor repair.
- *13. ~~An additional pine tree 40 feet in height shall be planted to the north of the telecommunication facility to screen the facility from residential areas to the north of the property.~~ An additional tree shall be planted in the parking lot to the east of the telecommunication facility to the satisfaction of the Planning Division.
- *13a. The applicant shall improve the aesthetics of the pine tree by filling in the missing pine tree branches within 90 days of receiving approval by the Planning Commission.

NOISE

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



ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

16. 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

17. 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.

