



CITY OF CARSON
PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: March 13, 2018

SUBJECT: Design Overlay No. 1683-17
Conditional Use Permit No. 1037-17

APPLICANT: Verizon Wireless
Attention: Tami Pritchard
15505 Sand Canyon Avenue, Bldg. D
Irvine, CA 92618

PROPERTY OWNER: City of Carson
701 East Carson Street
Carson, CA 90745

REQUEST: To construct a new small cell wireless communication facility on a Southern California Edison (SCE) streetlight pole in the public right-of-way in the Single Family Residential zoning district.

PROPERTY INVOLVED: Within the public right-of-way in proximity to 20009 Annalee Avenue

AYE	NO		AYE	NO	
		Chairman Diaz			Guidry
		Vice-Chair Pimentel			Mitoma
		Andrews			Thomas
		Cainglet			Alt. Osuna
		Fe'esago, Jr.			Alt. Palmer

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Item No. C-7

I. Introduction

Property Owner

City of Carson
701 East Carson Street
Carson, CA 90745

Applicant

Verizon Wireless
15505 Sand Canyon Avenue, Bldg. D
Irvine, CA 92618
(949) 201-9240
tpritchard@j5ip.com

Representative

J5 Infrastructure Partners, LLC – Tami Pritchard
2030 Main Street Suite 200
Irvine, CA 92614
(949) 201-9240
tpritchard@j5ip.com

II. Project Description

The applicant requests approval of Design Overlay Review (DOR) No. 1683-17 and Conditional Use Permit (CUP) No. 1037-17 to construct a new small cell wireless communication ground-mounted facility on a Southern California Edison (SCE) concrete streetlight pole in the public right-of-way in the Single Family Residential zoning district in proximity to 20009 Annalee Avenue. The new communication facility antenna and associated equipment and SCE streetlight pole will be 32.5 feet in height. A minor exception is proposed to allow for an increase in the maximum allowable height in residential zone of 30 feet, pursuant to CMC Section 9138.16.F.2.d. and 9138.16.G.

Current Improvements

The project site contains an existing SCE streetlight pole that is approximately three feet away from the proposed new pole.

Public Safety Issues

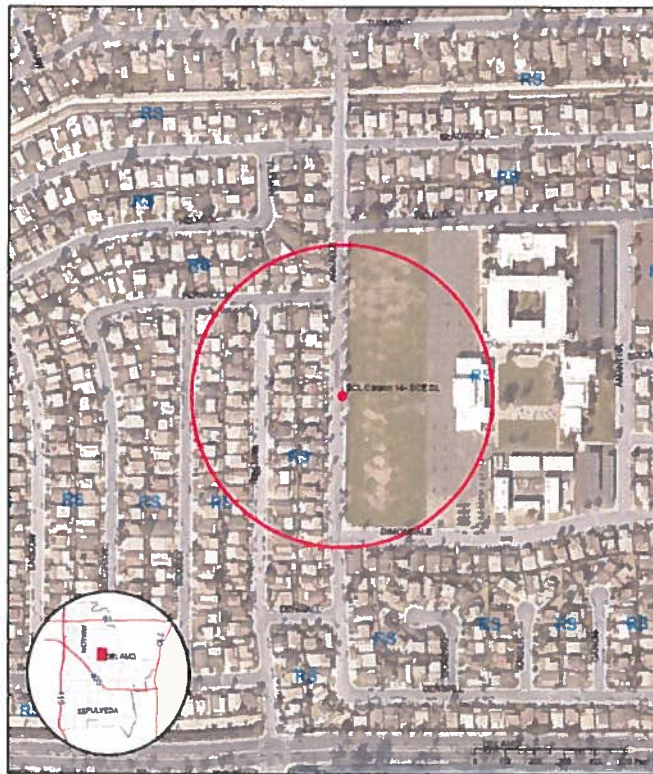
None.

III. Project Site and Surrounding Land Uses

The project site is located in northern part of the City on Annalee Avenue between East Helmick Street and East Dimondale Drive, and in close proximity to California State University Dominguez Hills. Surrounding land uses include single-family residential to the north, south, and west, and Curtiss Middle School and Magnolia Science Academy (Public Facilities) to the east.

The following provides a summary of the site information:

Site Information	
General Plan Land Use	Low Density Residential
Zone District	RS (Residential, Single Family)
Site Size	
Present Use and Development	Southern California Edison pole in public right-of-way
Surrounding Uses/Zoning	North: RS South: RS East: RS/Curtiss Middle School and Magnolia Science School (Public Facilities) West: RS
Access	Ingress/Egress: Annalee Avenue



IV. Analysis

Use

The proposed project is a major communication facility, and located in the Single-Family Residential (RS) zoning district. Major wireless telecommunication facilities are conditionally permitted in all residential zones, and subject to the requirements of

CMC 9138.16. Major wireless communication facilities also require a Site Plan and Design Review.

To meet capacity demands for cellphone coverage and data demand, wireless carriers are adding small cell communication facilities closer to the users in residential areas to provide the reliable service to residents. Discussions with wireless carriers have revealed the City will be receiving more requests for small cell facilities. Staff has determined the proposed use is consistent with the character of the area, will be compatible with the existing residential uses in the vicinity, and provide improved wireless coverage to the neighborhood.

Site Plan

The new small cell wireless communication ground-mounted facility will be attached to a new SCE streetlight pole in the public right-of-way. The existing streetlight pole will be removed, and a new street light pole placed approximately three feet from existing pole.

Access

The site is adjacent to on-street parking spaces for parking of the construction and maintenance vehicles. A pre-construction meeting is required with staff to ensure the applicant completes the construction process with minimal impacts to the nearby residents. Construction activity will be limited between 8:00 AM to 5:00 PM weekdays. Applicant is required to notify the nearby residents to ensure they are aware of the construction phase of the project detailing the construction phase including the duration, staging areas, hours, etc.

Design

The applicant proposes to attach two-foot antennas and associated equipment to a concrete street light pole with a height of 29.5 feet. The height of the structure after attachment will be 32.5 feet. All equipment will be painted neutral gray in order to blend in with the concrete surface of the light pole in order to minimize its appearance within the surrounding environment. To minimize the aesthetic impact, the project is conditioned to place the utility meters and conduits for power underground.

Aerial and Street View:



Minor Exception - Height

The RS zone permits a maximum height of 30' for communication facilities. Since the height of the proposed project is 32.5', a minor exception is required to be approved by the Planning Commission to allow a maximum 15% increase in permitted height (CMC Section 9138.16.F.2.d. and 9138.16.G). The proposed height of the project is approximately 8% more than the permitted height of 30'. Therefore, the Planning Commission may approve the minor exception by making the following findings in accordance with CMC Section 9138.16.G.1.a:

- (1) The applicant has demonstrated that the proposed height is designed at the minimum height necessary for operation and/or for stealth purposes including design elements or architectural details. As the antenna must be placed at the top of the pole to provide an effective capacity increase, the height of the proposed installation will be taller than the existing pole. The pole height cannot be modified downward as the luminaire present on the pole must be at the height designated by Southern California Edison, which regulates the height of such luminaires for safety purposes.
- (2) The minor exception will not create a significant visual impact. At an additional 2.5 feet above the maximum zoning height, the minor exception is not likely to create a significant visual impact. The canister antenna is the same width as the pole

and the replacement pole will be replacing an existing structure within the right-of-way.

- (3) The exception would conform to the spirit and intent of the Code because the proposed installation is an improvement to the utilities provided within the public right-of-way. The proposed installation has been designed to blend in with the existing infrastructure and minimize the amount of additional equipment necessary within the public right-of-way.
- (4) Granting the minor exception will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity. The proposed installation is on a replacement pole and will increase the overall height of the pole only 8 percent, the minor exception is unlikely to be materially detrimental or injurious to the public welfare or any surrounding properties.

Noise and Radio Frequency

The proposed small cell site equipment will not generate noise above applicable noise ordinance levels. According to the specifications and description sheet for the Remote Radio Unit (Ericsson RRU 32), the RRU does not generate acoustic noise. No backup generators will be installed.

The proposed facility will be designed and constructed to meet all applicable government and industry standards for radio frequency (RF) emissions. A RF emissions report was provided for staff review, and is available for review by the public.

V. Zoning and General Plan Consistency

The existing building was constructed with a General Plan Land Use designation of Low Density Residential, and Residential, Single Family zoning district, and it remains consistent with the surrounding uses.

VI. Environmental Review

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Class 3 (New Construction of Small Structures).

VII. Public Notice and Community Outreach

Public notice was posted to the project site on February 22, 2018. Notices were mailed to property owners and occupants on March 1, 2018. The agenda was posted at City Hall 72 hours prior to the Planning Commission meeting. A community meeting was not held for this project since staff determined the impacts of the proposed use would not be significant enough to warrant a community meeting.



Recommendation

That the Planning Commission:

- **APPROVE** Design Overlay Review No. 1683-17; Conditional Use Permit No. 1037-17; and
- **WAIVE FURTHER READING AND ADOPT RESOLUTION NO. 18-___**, ENTITLED "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1683-17 AND CONDITIONAL USE PERMIT NO. 1037-17 TO CONSTRUCT A NEW SMALL CELL WIRELESS COMMUNICATION FACILITY ON A SCE STREETLIGHT POLE IN THE PUBLIC RIGHT-OF-WAY IN THE SINGLE FAMILY RESIDENTIAL ZONING DISTRICT IN PROXIMITY TO 20009 ANNALEE AVENUE.

VIII. Exhibits

1. Draft Resolution
2. Development Plans

Prepared by: Leila Carver, Planner



**CITY OF CARSON
PLANNING COMMISSION**

RESOLUTION NO. 18-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1683-17 AND CONDITIONAL USE PERMIT NO. 1037-17 TO CONSTRUCT A NEW SMALL CELL WIRELESS COMMUNICATION FACILITY ON A SCE STREETLIGHT POLE IN THE PUBLIC RIGHT-OF-WAY IN THE SINGLE FAMILY RESIDENTIAL ZONING DISTRICT IN PROXIMITY TO 20009 ANNALEE AVENUE

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, J5 Infrastructure Partners, LLC – Tami Pritchard, on behalf of Verizon Wireless with respect to real property located at Latitude “33.849986” and Longitude “-118.252731” in close proximity to 20009 Annalee Avenue, requesting approval to construct a new small cell wireless communication facility on a Southern California Edison (SCE) streetlight pole in the public right-of-way on a site zoned Single-Family Residential (RS). The request includes:

- Design Overlay Review (DOR) No. 1683-17 to construct a new small cell wireless communication ground-mounted facility on a SCE streetlight pole in the public right-of-way;
- Conditional Use Permit (CUP) No. 1037-17 to construct a new small cell wireless communication ground-mounted facility on a SCE streetlight pole in the public right-of-way;

A Planning Commission meeting was duly held on March 13, 2018, 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. With respect to the Design Overlay Review No. 1683-17, the Planning Commission finds that:

- a) The proposed project is compatible with the General Plan Land Use Designation of Low Density Residential, and surrounding uses.
- b) The proposed project is within the single-family residential zoning district and is compatible with the architecture and design of existing and anticipated



development in the area, including site planning, appearance and scale of structures.

- c) The project site circulation will remain unchanged. The project site is within the single-family residential zoning district and pedestrian pathways and parking areas will not be altered by the proposed project.
- d) Stickers and other required signage mandated by the FCC and FAA for the project are located near the antenna at the top of the pole, rather than at/near ground level to minimize visual clutter at the pedestrian level. All signage associated with this project will comply with the Carson Municipal Code provisions and will be reviewed and approved by the Planning Division prior to building occupancy.
- e) The proposed improvements are in conformance with the City's design standards and guidelines that are applicable to this project.
- f) The applicant has demonstrated that the proposed height is designed at the minimum height necessary for operation and/or for stealth purposes including design elements or architectural details. As the antenna must be placed at the top of the pole to provide an effective capacity increase, the height of the proposed installation will be taller than the existing pole. The pole height cannot be modified downward as the luminaire present on the pole must be at the height designated by Southern California Edison, which regulates the height of such luminaires for safety purposes.
- g) The minor exception will would not create a significant visual impact. At an additional 2.5 feet above the maximum zoning height, the minor exception is not likely to create a significant visual impact. The canister antenna is the same width as the pole and the replacement pole will be replacing an existing structure within the right-of-way.
- h) The exception would conform to the spirit and intent of the Code because the proposed installation is an improvement to the utilities provided within the public right-of-way. The proposed installation has been designed to blend in with the existing infrastructure and minimize the amount of additional equipment necessary within the public right-of-way.
- i) Granting the minor exception will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity. The proposed installation is on a replacement pole and will increase the overall height of the pole only 8 percent, the minor exception is unlikely to be materially detrimental or injurious to the public welfare or any surrounding properties.

Section 4. With respect to the Conditional Use Permit No. 1037-17, the Planning Commission finds that:

- a) The proposed use is consistent with the General Plan Land Use Designation of Low Density Residential.

- b) The project site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development to operate a gym.
- c) The proposed development will have adequate street access from via Annalee Avenue, and also adequate capacity for parking and traffic.
- d) There will be adequate water supply for fire protection.
- e) The proposed use is compatible with the intended character of the area.

Section 5. The Planning Commission further finds that the development permitted by the proposed project will not have a significant effect on the environment and is deemed categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Class 3 for New Construction of Small Structures.

Section 6. Based on the aforementioned findings, the Commission hereby approves Design Overlay Review No. 1683-17, and Conditional Use Permit No. 1037-17 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "A" attached hereto.

Section 7. The Secretary shall certify to the adoption of the 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 MARCH, 2018

CHAIRPERSON

ATTEST:

SECRETARY

CITY OF CARSON
COMMUNITY DEVELOPMENT
PLANNING DIVISION

EXHIBIT "A"

CONDITIONS OF APPROVAL

DESIGN OVERLAY REVIEW NO. 1683-17

CONDITIONAL USE PERMIT NO. 1037-17

GENERAL CONDITIONS

1. If building permits for Design Overlay Review No. 1683-17, and Conditional Use Permit No. 1037-17, are not issued within one year of their effective date, said permit 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 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.
4. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
5. 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. Any revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.
6. 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.
7. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.
8. A modification of the conditions of this permit, 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. 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.
10. Precedence of Conditions. If any of the Conditions of Approval alter a commitment made by the applicant in another document, the conditions enumerated herein shall take precedence unless superseded by a Development Agreement, which shall govern over any conflicting provisions of any other approval.
11. City Approvals. All approvals by City, unless otherwise specified, shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
12. Deposit Account. A trust deposit account shall be established for all deposits and fees required in all applicable conditions of approval of the project. The trust deposit shall be maintained with no deficits. The trust deposit shall be governed by a deposit agreement. The trust deposit account shall be maintained separate from other City funds and shall be non-interest bearing. City may make demands for additional deposits to cover all expenses over a period of 60 days and funds shall be deposited within 10 days of the request therefore, or work may cease on the Project.
13. Indemnification. The applicant, the owner, tenant(s), and their subsequent successors (Parties) agree to 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, or in any way related to any damage or harm to people or property, real and personal, that may result from Property Owner(s), operations or any claims against the City for or as a result of the granting of the continuance. The City will promptly notify the Parties of any such claim, action, or proceeding against the City and Parties will pay the City's associated legal costs and will advance funds assessed by the City 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 Parties' 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. Parties shall provide a deposit in the amount of 100% of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney's fees, and shall make additional deposits as requested by the City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If Parties fails to provide or maintain the deposit, the City may abandon the action and Parties shall pay all costs resulting therefrom and the City shall have no liability to Parties.

AESTHETICS

14. There shall be no deviation of architectural design or details from the approved set of plans. Any alteration shall be first approved by the Planning Division.
15. **Provide a revised elevation sheet identifying a hand hole/vault for streetlight in lieu of above ground meter pedestal to Planning Division for review prior to issuance of an encroachment permit.**

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

Prior to Issuance of Permit by Engineering Services

16. A pre-construction meeting shall be held with staff to ensure the applicant completes the construction process with minimal impacts to the nearby residents prior to issuance of an encroachment permit.
17. Construction activity shall be limited between 8:00 AM to 5:00 PM on weekdays only.
18. Applicant shall be required to notify the nearby residents to ensure they are aware of the construction phase of the project detailing the construction phase including the duration, staging areas, hours, etc. prior to issuance of an encroachment permit.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

General Conditions

19. Any existing off-site improvements damaged during the construction shall be removed and reconstructed per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
20. A construction permit is required for any work to be done in the public right-of-way.
21. Proof of Worker's Compensation and Liability Insurance shall be submitted to the city prior to issuance of construction permit by Engineering Division.

Prior to Issuance of Permit by Engineering Services

22. Proof of ownership of streetlights proposed to be used for placement of cell antennas shall be provided.
23. Proof of approval from said owner allowing use of said streetlights.
24. Pole Numbers of (existing and/or proposed) shall be shown on the plans.
25. Approved and stamped structural drawings & calculations for each individual said streetlights shall be provided and subject to review and approval of Building and safety.
26. Construction drawings for disturbance of existing improvements within the public right-of-way shall be reviewed and approved by Engineering Services.

27. Plan Check fee (\$450 min. per site) shall be paid thru Engineering Services for the structural review and the review of construction drawings within the public right-of-way.
28. Construction bond for all work to be done within the public right of way shall be submitted and approved by Engineering Services
29. Obtain Street Light Authorization from LA County Street Lighting Division. Contact Francisco Castillo (626)300-4752.

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

30. All parties involved in the subject project including to but not limited to contractors and subcontractors are required to obtain a city business license per Section 6310 of the Carson Municipal Code.