



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

**PUBLIC HEARING:** September 11, 2018

**SUBJECT:** Site Plan and Design Review (DOR) No. 1711-18 and Conditional Use Permit (CUP) No. 1045-18

**APPLICANT:** Katie Baxendale – J5 Infrastructure on behalf of Verizon Wireless  
2030 Main Street Suite 200  
Irvine, CA 92614

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

**REQUEST:** To construct a new small cell wireless communication facility on a wood utility pole in the public right-of-way in the Open Space-Organic Refuse Landfill (OS-ORL) zoning district

**PROPERTY INVOLVED:** Within the public right-of-way in proximity to 340 Martin Luther King Jr. Street

AYE	NO		AYE	NO	
		<b>Chairman Pimentel</b>			<b>Madrigal</b>
		<b>Vice-Chair Thomas</b>			<b>Mitoma</b>
		<b>Andrews</b>			<b>Nunley</b>
		<b>Cainglet</b>			<b>Rahman</b>
		<b>Fe'esago</b>			<b>Alt. Osuna</b> <b>Alt. Palmer</b> <b>Alt. Rashad</b>

***Item No. 6E***

**I. Introduction**

Property Owner

City of Carson  
701 East Carson Street  
Carson, CA 90745

Applicant

Katie Baxendale – J5 Infrastructure on behalf of Verizon Wireless  
2030 Main Street Suite 200  
Irvine, CA 92614  
(949) 678-9422  
kbaxendale@j5ip.com

Representative

Kathryn Baxendale  
J5 Infrastructure Partner, LLC  
2030 Main Street Suite 200  
Irvine, CA 92614  
(949) 678-9422  
kbaxendale@j5ip.com

**II. Project Description**

The applicant requests approval of Site Plan and Design Review (DOR) No. 1711-18 and Conditional Use Permit (CUP) No. 1045-18 to construct a new small cell wireless communication facility on a wood utility pole within the public right-of-way in the Open Space-Organic Refuse Landfill (OS-ORL) zoning district in proximity to 340 Martin Luther King Jr. Street. The new communication facility antenna and associated equipment and wood utility pole will be 39.5 feet in height.

*Current Improvements*

The project site contains an existing wood utility pole, owned by Joint Pole Authorization (JPA) Southern California Edison (SCE), that will be protected in place.

*Public Safety Issues*

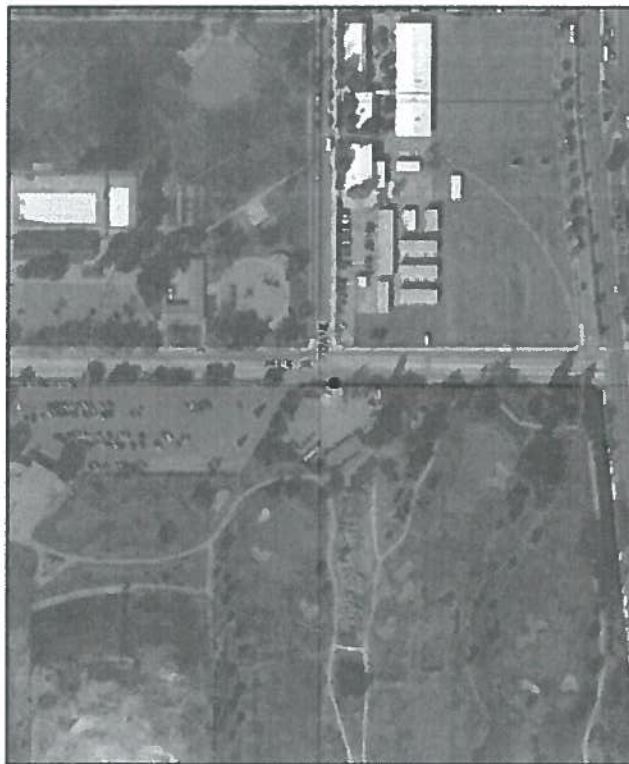
None.

**III. Project Site and Surrounding Land Uses**

The project site is located in the northern part of the City on Martin Luther King Jr. Street. Surrounding land uses include Open Space and Towne Elementary School to the north, Open space to the west and south, and Open Space and single-family residential to the east.

The following provides a summary of the site information:

<b>Site Information</b>	
General Plan Land Use	Recreational Open Space
Zone District	OS-ORL (Open Space-Organic Refuse Landfill)
Site Size	
Present Use and Development	JPA Southern California Edison wood utility pole in public right-of-way
Surrounding Uses/Zoning	North: OS / RS (Towne Avenue Elementary School) South: OS-ORL / I-405 East: OS-ORL / RS West: OS-ORL / ML-D-ORL
Access	Ingress/Egress: Martin Luther King Jr. Street (formerly 192 <sup>nd</sup> Street)



**IV. Analysis**

Use

The proposed project is a major communication facility and located in the Open Space-Organic Refuse Landfill (OS-ORL) zoning district. Major wireless telecommunication facilities are conditionally permitted, 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 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 uses in the vicinity, and provide improved wireless coverage to the neighborhood.

### Site Plan

The new small cell wireless communication facility will be attached to an existing JPA SCE wood utility pole in the public right-of-way. The existing wood utility pole will be protected in place.

### 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 businesses and residents. Construction activity will be limited to 8:00 AM to 5:00 PM on weekdays only.

### Design

The applicant proposes to attach four-foot antennas and associated equipment to an existing wood utility pole with a height of 39.5 feet. The new communication facility will not exceed the height of the existing conforming structure, pursuant to CMC Section 9138.16.F.2.c. The height of the structure after attachment will remain at 39.5 feet. All equipment will be painted a brown color to blend with the wood surface of the utility pole in order to minimize its appearance within the surrounding environment. To minimize the aesthetic impacts, the project is conditioned to place the utility meters and conduits for power underground.

### *Aerial and Street View:*



### 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 structure was constructed with a General Plan Land Use designation of Recreational Open Space, and Open Space-Organic Refuse Landfill zoning district, and it remains consistent with the surrounding uses. CMC Section 9141.12.A.2. exempts construction of structures which are unoccupiable, such as signs, flagpoles, walls, fences and towers from obtaining a CUP from the City Council.

### **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 August 22, 2018. Notices were mailed to property owners and occupants on September 1, 2018. The agenda was posted at City Hall 72 hours prior to the Planning Commission meeting. A community meeting was held by the applicant for this project on June 20, 2018. Planning staff, Leila Carver, attended the community meeting. The purpose was to provide information and answer questions from interested community members pursuant to Verizon's conditional use permit and design overlay application submittals for small cell wireless equipment on poles within the City's public right-of-way. All owners and occupants within a 500' radius of the proposed project sites were noticed of the meeting by a mailed postcard. At the meeting, Verizon provided posters showing the mapped locations and nearest addresses for the project sites, as well as photo simulations and zoning drawing elevation pages showing the proposed equipment designs. In addition, handouts were available covering small cell frequently asked questions, radio frequency health and safety, wireless trends, and property value effects. The majority of community members in attendance expressed curiosity in regard to the scope of the project. One community member expressed concern regarding radiofrequency propagation and was provided with answers to his questions, as well as the informational handouts. Most of those in attendance were pleased that the small cell installations would benefit them.

**VIII. Recommendation**

That the Planning Commission:

- **APPROVE** Site Plan and Design Review No. 1711-18; Conditional Use Permit No. 1045-18; and
- **WAIVE FURTHER READING AND ADOPT RESOLUTION NO. 18-\_\_\_**, ENTITLED "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING SITE PLAN AND DESIGN REVIEW NO. 1711-18 AND CONDITIONAL USE PERMIT NO. 1045-18 TO CONSTRUCT A NEW SMALL CELL WIRELESS COMMUNICATION FACILITY ON AN EXISTING JPA SCE WOOD UTILITY POLE IN THE PUBLIC RIGHT-OF-WAY IN THE OPEN SPACE-ORGANIC REFUSE LANDFILL (OS-ORL) ZONING DISTRICT IN PROXIMITY TO 340 MARTIN LUTHER KING JR. STREET.

**IX. 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 SITE PLAN AND DESIGN REVIEW NO. 1711-18 AND CONDITIONAL USE PERMIT NO. 1045-18 TO CONSTRUCT A NEW SMALL CELL WIRELESS COMMUNICATION FACILITY ON A WOOD UTILITY POLE IN THE PUBLIC RIGHT-OF-WAY IN THE OPEN SPACE-ORGANIC REFUSE LANDFILL (OS-ORL) ZONING DISTRICT IN PROXIMITY TO 340 MARTIN LUTHER KING JR. 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, J5 Infrastructure Partners, LLC – Kathryn Baxendale, on behalf of Verizon Wireless with respect to real property located at Latitude “33.856653” and Longitude “-118.267944” in close proximity to 340 Martin Luther King Jr. Street, requesting approval to construct a new small cell wireless communication facility on a wood utility pole in the public right-of-way in the Open Space – Organic Refuse Landfill zoning district. The request includes:

- Site Plan and Design Review (DOR) No. 1711-18 to construct a new small cell wireless communication ground-mounted facility on a wood utility pole in the public right-of-way;
- Conditional Use Permit (CUP) No. 1045-18 to construct a new small cell wireless communication ground-mounted facility on a wood utility pole in the public right-of-way;

A Planning Commission meeting was duly held on September 11, 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 Site Plan and Design Review No. 1711-18, the Planning Commission finds that:

- a) The proposed project is compatible with the General Plan Land Use Designation of Recreational Open Space, and surrounding uses.
- b) The proposed project is within the Open Space – Organic Refuse Landfill 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 Open Space – Organic Refuse Landfill 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.
- e) The proposed improvements are in conformance with the City's design standards and guidelines that are applicable to this project.

**Section 4.** With respect to the Conditional Use Permit No. 1045-18, the Planning Commission finds that:

- a) The proposed use is consistent with the General Plan Land Use Designation of Recreational Open Space.
- b) The project site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use.
- c) The proposed development will have adequate street access from Martin Luther King Jr. Street, 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.
- f) The proposed use is consistent with the Open Space-Organic Landfill Refuse zoning district. CMC Section 9141.12.A.2. exempts construction of structures which are unoccupiable, such as signs, flagpoles, walls, fences and towers from obtaining a CUP from the City Council.

**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 Site Plan and Design Review No. 1711-18, and Conditional Use Permit No. 1045-18 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 11<sup>th</sup> DAY OF SEPTEMBER, 2018**

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**CHAIRPERSON**

**ATTEST:**

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**SECRETARY**



**CITY OF CARSON**  
**COMMUNITY DEVELOPMENT**  
**PLANNING DIVISION**  
**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**  
**SITE PLAN AND DESIGN REVIEW NO. 1711-18**  
**CONDITIONAL USE PERMIT NO. 1045-18**

**GENERAL CONDITIONS**

1. If building permits for Site Plan and Design Review (DOR) No. 1711-18 and Conditional Use Permit No. 1045, 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 wood utility pole in lieu of above ground meter pedestal to Planning Division for review prior to issuance of an encroachment permit.**

## ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

### *General Conditions*

16. 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.
17. Proof of Worker's Compensation and Liability Insurance shall be submitted to the city prior to issuance of construction permit by Engineering Division.
18. A construction permit is required for any work to be done in the public right-of-way.

### *Prior to Issuance of Permit by Engineering Services*

19. Construction bond for all work to be done within the public right of way shall be submitted and approved by Engineering Services
20. Construction drawings for disturbance of existing improvements within the public right-of-way shall be reviewed and approved by Engineering Services.
21. Plan Check fee (\$450 mm. per site) shall be paid thru Engineering Services for the structural review and the review of construction drawings within the public right-of-way.
22. There shall be zero ("0") darkness at location at proposed improvements.
23. No additional pedestals will be allowed within the public Right-of-Way.
24. Pole Numbers of (existing and/or proposed) shall be shown on the plans.
25. Applicant shall provide acknowledgment that existing or proposed streetlight or poles structurally adequate to accommodate the proposed equipment. Structural drawings & calculations prepared by a qualified Engineer may be required for each individual streetlights at the discretion of the City Engineer.
26. Proposed Location is within LA County's Street Lighting Maintenance District (CLMD). Obtain approval for installation of proposed equipment from CLMD. StreetLight Authorization to be issued by CLMD. Contact Francisco Castillo (626)300-4752.
27. Proposed pole is a wooden pole. Obtain approval from owner and provide proof to PW Engineering prior to issuance of Engineer Permit.

## SIGNAGE

28. The permittee shall install and at all times maintain in good condition a “Network Operations Center Information” and “RF Caution” sign on the utility pole no less than three (3) feet below the antennas (measured from the top of the sign) and no less than nine (9) feet above the ground line (measured from the bottom of the sign). Signs required under this condition shall be installed so that a person can clearly see the sign as he or she approaches within three (3) feet of the antennas.
29. The permittee shall ensure that all signage complies with FCC OET Bulletin 65, CPUC General Order 95 or ANSI C95.2 for color, symbol, and content conventions. All such signage shall at all times provide a working local or toll-free telephone number to its network operations center, and such telephone number shall be able to reach a live person who can exert transmitter power-down control over this site as required by the FCC.

## 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.

