



TUESDAY, AUGUST 8, 2017
701 East Carson Street, Carson, CA 90745
Helen Kawagoe Council Chambers, 2nd Floor
6:30 p.m.

**MINUTES
REGULAR MEETING OF THE
PLANNING COMMISSION**

Members:

De Shon Andrews	Chair Louie Diaz	Uli Fe'esago
Sharon Guidry	Ray Madrigal	Michael Mitoma
Vice-Chair Ramona Pimentel	Barbara Post	Charles Thomas

Alternates:

Jane Osuna	Christopher Palmer	Myla Rahman
------------	--------------------	-------------

Staff:

Planning Manager Naaseh	Assistant City Attorney Neumeyer	Senior Planner Rojas
-------------------------	----------------------------------	----------------------

"In accordance with the Americans with Disabilities Act of 1990, if you require a disability related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the Planning Department at 310-952-1761 at least 48 hours prior to the meeting." (Government Code Section 54954.2)

1. CALL TO ORDER

Vice-Chair Pimentel called the meeting to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

Alternate Commissioner Osuna led the Salute to the Flag.

3. ROLL CALL

Planning Commissioners Present: Andrews, Fe'esago, Guidry, Mitoma, Pimentel, Post

Planning Commissioners Absent: Diaz, Madrigal, Thomas (all excused)

Planning Commission Alternates Present: Osuna, Palmer

Planning Staff Present: Planning Manager Naaseh, City Attorney Wynder, Assistant Planner Castillo, Recording Secretary Bothe

4. ORAL COMMUNICATION FOR MATTERS NOT ON THE AGENDA

The public may at this time address the members of the Planning Commission on any matters within the jurisdiction of the Planning Commission. No action may be taken on non-agendized items except as authorized by law. Speakers are requested to limit their comments to no more than three minutes each, speaking once. None.

5. CONSENT CALENDAR

A) APPROVAL OF MINUTES - July 11, 2017

Commissioner Guidry moved, seconded by Commissioner Fe'esago, to approve the July 11, 2017, Minutes as presented. Motion carried, 7-0 (Osuna abstained; absent Diaz, Madrigal, Thomas).

6. CONTINUED PUBLIC HEARING **None**

7. PUBLIC HEARING

**A) Conditional Use Permit No. 992-15
Design Overlay Review No. 1621-16**

Applicant's Request:

The applicant, American Towers, LLC, is requesting to extend the approval of an existing 235-foot lattice tower-mounted wireless facility for three (3) years with four (4) existing telecommunication carriers at various heights in the CG (Commercial, General) zone. The property involved is 17900 South Central Avenue, APN 7319-003-809.

Staff Report and Recommendation:

Assistant Planner Castillo presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 17-2608, "Approving Conditional Use Permit No. 992-15 and Design Overlay Review No. 1621-16 for an existing 235-foot radio tower with multiple existing telecommunication facilities at various heights in the CG (Commercial, General) zone at 17900 South Central Avenue." He highlighted the following changes to the resolution and conditions of approval:

Condition No. 1 to read as follows:

"In recognition of the proposed residential and/or mixed use development of the adjacent parcels (APN 7319-003-805, 7319-003-104, 7319-003-105, 7319-003-106), the applicant (American Tower), or the owner of the tower (facility) at the time, shall remove and replace the existing facility with a new "stealth" facility on the subject parcel (APN 7319 003 809) within three (3) years of the expiration of all applicable appeal and/or statute of limitations periods (the "Effective Date") following the Planning Commission approval of Conditional Use Permit (CUP) No. 992-15 and Design Overlay Review (DOR) No. 1621-16.

"The new facility shall be camouflaged or designed to blend with the surrounding environment and land uses, minimize aesthetic impact on adjacent uses, and conceal the intended use and appearance of the structures. Such camouflage design may take the form of a "mono-pine" as depicted in Exhibit 2, or may employ other camouflage design features. The height of the new facility shall not exceed 105 feet. Subject to the

height limitation and camouflaging requirements, the new facility shall be of equal or superior quality to the existing facility, including with regard to signal propagation required by communication service providers collocated on the facility, structural capacity, and ground equipment space.

“If the design of the new facility substantially conforms to the mono-pine design shown in Exhibit 2, or such other camouflage design as the Applicant, the Planning Manager, and the party proposing to develop the adjacent parcels may reasonably agree upon, and the height of the new facility does not exceed 105 feet, no further Planning Commission approval of the new facility shall be required pursuant to Section 9138.16 – Communications Facilities – of the Carson Municipal Code and shall be subject to approval by the Planning Manager. Within one (1) year of the Effective Date, the applicant shall report to the Planning Manager regarding the current status of redevelopment plans for the new facility. Such report shall include the status of Applicant’s construction plans and coordination with the developer of the adjacent parcels and wireless carriers. Within two (2) years of the Effective Date, Applicant shall submit an application for a building permit to construct the new facility. Upon receipt of the building permit, Applicant shall construct the facility and use reasonable best efforts to complete construction of the new facility and the removal of the existing facility on or before three (3) years after the Effective Date.

“Immediately after the expiration of all applicable appeal and/or statute of limitations periods, Applicant shall post with the City a performance bond or other security in the amount of \$120,000, which shall cover the cost of removal of the existing facility if Applicant should fail to comply with this Condition.”

Amend language in Resolution Section 3-L(5): The visual impacts are negligible because the facility would be redesigned within three years as a stealth facility to accommodate a potential residential redevelopment project on adjacent parcels. Any visual impacts from this approval are temporary in nature. In addition, the approval requires that the applicant ~~install additional~~ “*maintain*” landscape features to mitigate the existing visual impact from the ground-mounted equipment.

Assistant Planner Castillo advised that the applicant concurs with these changes.

Vice-Chair Pimentel opened the public hearing.

Jeremy Mudd, applicant’s representative, noted his appreciation in working closely with staff on this complicated proposal; he noted his agreement with the revised Conditions of Approval; and he explained this is an important telecommunications facility that serves the residents and the business community in this area. He noted for Commissioner Mitoma that a branch of Verizon owns the property, not the applicant. He added that this tower will be a monopine within three years and stated that lowering the height of this particular tower will not reduce coverage for its customers; and stated that the outdated horn antennas will be removed.

Planning Manager Naaseh mentioned this property is currently in escrow for the development of approximately 175 residential units. He explained for Commissioner Guidry that should the applicant not fulfill the obligation to remove this tower in a timely manner, the City would put a claim on the bond and use the proceeds to remove the

tower if the applicant is not compliant with the Conditions of Approval; and he pointed out that the timelines are intentionally loosely written to allow some flexibility.

City Attorney Wynder explained for Commissioner Mitoma that in fairness to the applicant, the City should not require the applicant to post this sizeable bond until after the Planning Commission resolution is final and no longer appealable; and mentioned that if there were a court challenge, it could take many months before that challenge was settled.

Commissioner Mitoma asked if there is a rating requirement for the bond.

City Attorney Wynder stated the Commission could require the applicant to use a certain bond rating category, suggesting the Commission could add the City's standard form bond rating language as follows: "Immediately after the expiration of all applicable appeal and/or statute of limitations periods, Applicant shall post with the City a performance bond or other security in the amount of \$120,000, which shall cover the cost of removal of the existing facility if Applicant should fail to comply with each of the Conditions of Approval. Such shall secure the faithful performance of Conditions of Approval, unless such requirement is waived by the City Manager. The bond shall contain the original notarized signature of an authorized officer of the surety, and affixed thereto shall be a certified and current copy of his power of attorney. The bond shall be unconditional and remain in force during the entire term of the permit and shall be null and void only if the Applicant faithfully performs all Conditions of Approval. The bond required herein shall be satisfactory only if issued by companies qualified to do business in California, rated "A" or better in the most recent edition of Best Rating Guide, The Key Rating Guide or in the Federal Register, and only if they are of a financial category Class VII or better, unless such requirements are waived by the Risk Manager of the City due to unique circumstances."

Mr. Mudd noted for Commissioner Fe'esago that because the applicant does not own the surrounding undeveloped land, they are only able to have landscaping on their leased area which is why no additional landscaping is being proposed. He noted his concurrence with the additional language for the posting of the bond.

There being no further input, Vice-Chair Pimentel closed the public hearing.

Planning Commission Decision:

Commissioner Mitoma moved, seconded by Alternate Commissioner Palmer, to approve the applicant's request with the following changes:

Amend language in Resolution Section 3-L(5): The visual impacts are negligible because the facility would be redesigned within three years as a stealth facility to accommodate a potential residential redevelopment project on adjacent parcels. Any visual impacts from this approval are temporary in nature. In addition, the approval requires that the applicant ~~install~~ additional "maintain" landscape features to mitigate the existing visual impact from the ground-mounted equipment.

And add paragraph to the end of Condition No. 1:

"Immediately after the expiration of all applicable appeal and/or statute of limitations periods, Applicant shall post with the City a performance bond or other security in the amount of \$120,000, which shall cover the cost of removal of the existing facility if Applicant should fail to comply with each of the Conditions of Approval. Such shall secure the faithful performance of Conditions of Approval, unless such requirement is waived by the City Manager. The bond shall contain the original notarized signature of an authorized officer of the surety, and affixed thereto shall be a certified and current copy of his power of attorney. The bond shall be unconditional and remain in force during the entire term of the permit and shall be null and void only if the Applicant faithfully performs all Conditions of Approval. The bond required herein shall be satisfactory only if issued by companies qualified to do business in California, rated "A" or better in the most recent edition of Best Rating Guide, The Key Rating Guide or in the Federal Register, and only if they are of a financial category Class VII or better, unless such requirements are waived by the Risk Manager of the City due to unique circumstances."

Motion carried, thus adopting Resolution No. 17-2608, 8-0 (absent Diaz, Madrigal, Thomas).

-
- | | | |
|------------|---|------|
| 8. | NEW BUSINESS DISCUSSION | None |
| 9. | MANAGER'S REPORT | None |
| 10. | COMMISSIONERS' ORAL COMMUNICATIONS | |

Commissioner Post referred to the newly constructed carwash on the southwest corner of 223rd Street and Avalon Boulevard, cautioning future approvals of projects that negatively impact the neighbors, being too close to the houses and impacting their property values.

Alternate Planning Commissioner Palmer asked if the request for beer/wine sales from the Green Door will be coming before the Commission for approval.

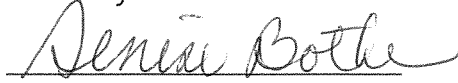
Planning Manager Naaseh explained that code doesn't require approval for beer/wine sales for a bone fide restaurant, noting he will check deeper into this matter.

11. ADJOURNMENT

At 7:13 p.m., the meeting was adjourned to Tuesday, August 22, 2017, 6:30 p.m., Helen Kawagoe Council Chambers.


Chairman

Attest By:


Secretary