



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: February 27, 2007

SUBJECT: Design Overlay Review No. 977-06; Conditional Use Permit No. 648-06; and Conditional Use Permit No. 649-06

APPLICANT: Royal Street Communications
Attn: John Koos
2923-A Saturn Street
Brea, CA 92821

REQUEST: To construct a 60-foot high unmanned wireless telecommunication facility disguised as a light standard in Scott Park in the OS (Open Space) zone and within the Merged and Amended Redevelopment Project Area.

PROPERTY INVOLVED: 23410 Catskill Avenue

COMMISSION ACTION

- Concurred with staff
- Did not concur with staff
- Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Cottrell - Chairperson			Hudson
		Pulido – Vice-Chair			Saenz
		Diaz			Verrett
		Faletogo			Wilson
		Graber			

Item 11A

I. **Introduction**

The applicant is requesting approval to construct a 60-foot high unmanned wireless telecommunication facility disguised as a light standard adjacent to the baseball diamond in Scott Park, located at 23410 Catskill Avenue. The property is located in the OS (Open Space) zone and within the Merged and Amended Redevelopment Project Area.

II. **Background**

Proposal Details

The applicant intends to run the necessary telco and power lines for the telecommunication facility underground to the existing equipment area located about 70 feet due north from the proposed light standard. The equipment cabinets for the telecommunication facility will be placed on a concrete slab within a 12-foot by 18-foot lease area inside the existing enclosure. The antennas will be divided into six sectors with one antenna per sector for a total of 6 antennae. The top of the antennae will be at 52 feet and the light standard will extend an additional eight feet to accommodate the lighting fixtures. Access to the site and equipment locations is provided via walkways extending west from the Ravenna Avenue street frontage.

III. **Analysis**

Location, Site Characteristics and Existing Development

The subject property is a publicly owned municipal park called Scott Park. There is a main recreation building located toward the southwest of the subject property that houses a boxing center and other recreation rooms. Parking lots, tennis courts and basketball courts are located along the south side, adjacent to the elementary school. Two baseball diamonds, facing opposite each other and a soccer field are centrally located in the park. An aquatic facility, including a public swimming pool is located in the northwest area of the park. A community picnic area, open park space and a horseshoe area are located along the north side of the park, facing 232nd Street. There is an existing 20-foot by 24-foot equipment area located approximately 40 feet from Ravenna Avenue along the northeast portion of the park. This equipment area currently houses an area used for water pipe maintenance. The location of the proposed telecommunication structure is in the northeast area of the park, adjacent to the bleacher stands overlooking the easternmost baseball diamond and approximately 100 feet southeast of the picnic area. The subject property is surrounded by residential land uses on the north, west and east sides. Adjacent to the south is Catskill Avenue Elementary School.

General Plan Designation

The subject property is designated as Recreational Open Space within the Land Use Element of the General Plan. Surrounding properties to the north and west have a General Plan Land Use designation of Medium Density Residential. The residential properties located opposite the northeast corner of the subject property General Plan

Land Use designation of Low Density Residential. The elementary school has a General Plan Land Use Designation of Public Facilities.

Zoning Designation

Surrounding properties to the north and west share the same zoning designation of RM-12-D (Residential, Multi-family – 12 units/acre – Design Overlay). The residential properties located opposite the northeast corner of the subject property are zoned RS (Residential, Single-family). The elementary school to the south is zoned RM-12-D.

Design Overlay Review No. 948-06

Section 9138.16(B)8-11,14,18 of the CMC defines the proposed project as a ground-mounted, stealth, major wireless telecommunication facility. Procedural standards contained in this Section require that a major wireless telecommunication facility shall be subject to the approval of a development plan in accordance with Sections 9172.23, Site Plan and Design Review (DOR) and 9172.21, Conditional Use Permit (CUP).

The Redevelopment Project Agency requires that new development in the Merged and Amended Redevelopment Project Area comply with Section 9172.23 of the CMC. The Planning Commission may recommend approval of Design Overlay review No. 977-06 to the Redevelopment Project Agency if the following findings can be made in the affirmative as per CMC Section 9172.23(D):

- a. Compatibility with the General Plan, any specific plans for the area, and surrounding uses;
- b. Compatibility of architecture and 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. Convenience and safety of circulation for pedestrians and vehicles;
- d. Attractiveness, effectiveness and restraint in signing, graphics and color; and
- e. Conformance to any applicable design standards and guidelines that have been adopted pursuant to Section 9172.15.

In addition to the findings in Section 9172.23(D), the Planning Commission shall be guided by the provisions of Subsection F, Development and Design Standards, of Section 9138.16, which includes setbacks, height, wiring, painting, lighting, noise and signs. Also, Subsection H, Findings, of Section 9138.16, which includes the following:

- a. The proposed site is the best alternative after considering co-location with another facility and location at another site;
- b. The proposed wireless telecommunication facility will be locate and designed to minimize the visual impact on surrounding properties and from public streets, including adequate screening through the use of landscaping that harmonize with the elements and characteristics of the property and/or stealthing which incorporates the facility with the structure in which it will be mounted through use of material, color and architectural design; and
- c. The proposed wireless telecommunication facility is not locate on any residential dwelling or on any property which contains a residential dwelling, except as may be associated with a church, temple, or place of religious worship.

Conditional Use Permit No. 648-06

Section 9138.16(F)2d of the Zoning Ordinance allows the Planning Commission to consider of approval of facilities to exceed the maximum height described in Section 9138.16(B)10 subject to approval of a Conditional Use Permit. Such Conditional Use Permit for new facilities shall authorize a height limit in conformance with Subsection G, Minor Exceptions, of Section 9138.16. Subsection G provides for a twenty percent increase in the maximum height allowed by Section 9138.16(B)10, which is 50 feet in the OS zone. Thus, a total height of 60 feet is allowed, if the Planning Commission approves a height modification. The height modification can be approved if at least one of the following findings is made based on evidence submitted by the applicant:

- a. Existing natural geographic conditions preclude an obstruction-free reception area and there is no other option, including relocation, available;
- b. Relief from the development standards results in a more appropriate design which minimizes the visual impact of the facility;
- c. The antennae height must be increased in order to accommodate the establishment of a co-located facility and there is no other option available; and,
- d. Visual impacts are negligible because the facility is designed to architecturally integrate with the surrounding environment.

Conditional Use Permit No. 649-06

Section 9172.21(D) of the Zoning Ordinance requires that the Planning Commission, by Resolution, render its approval for a Conditional Use Permit based on the ability to make affirmative findings concerning the following:

- a. The proposed use and development will be consistent with the General Plan;

- b. The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development;
- c. There will be adequate street access and traffic capacity;
- d. There will be adequate water supply for fire protection;
- e. The proposed use and development will be compatible with the intended character of the area; and,
- f. Such other criteria as are specified for the particular use in other Sections of this Chapter.

In addition to the general criteria for the approval of a Conditional Use Permit pursuant to CMC 9172.21(D)(1), CMC section 9153 outlines special criteria and limitations as indicated below that shall be considered in acting upon a Conditional Use Permit in the OS zone:

- a. The use shall not detract from the intended open space character of the area.

Based upon the information found in this Analysis section, all of the required findings pursuant to Section 9172.23(d), Site Plan and Design Review, Approval Authority and Findings and Decision, Section 9171.21(d), Conditional Use Permit, Commission Findings and Decision, as well as all other specific criteria identified for each of the discretionary permits can be made in the affirmative. Specific details regarding the applicable findings and all other specific criteria identified for each of the discretionary permits are incorporated in the attached resolution.

Required Findings: Conditional Use Permit

Approval of a CUP is required for a freestanding Major Wireless Telecommunication Facility in a manufacturing zone. Pursuant to Section 9172.21, Conditional Use Permit, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

- 1. The proposed use and development will be consistent with the General Plan.
- 2. The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development.
- 3. There will be adequate street access and traffic capacity.
- 4. There will be adequate water supply for fire protection.
- 5. The proposed use and development will be compatible with the intended character of the area.
- 6. Such other criteria as are specified for the particular use in other Sections of this chapter (Zoning Ordinance).

Required Findings: Site Plan and Design Review

Pursuant to Section 9172.23, Site Plan and Design Review, the Planning

Commission may approve the proposal only if the following findings can be made in the affirmative:

1. Compatibility with the General Plan, any specific plans for the area, and surrounding uses.
2. Compatibility of architecture and 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.
3. Convenience and safety of circulation for pedestrians and vehicles.
4. Attractiveness, effectiveness and restraint in signing, graphics and color.
5. Conformance to any applicable design standards and guidelines that have been adopted pursuant to Section 9172.15.

Issues of Concern / Mitigation:

- Issue – Height: The applicant is proposing a 60-foot tall cellular telecommunication facility disguised as a light standard, which is ten feet taller than what is allowed in the OS zone. Staff believes that the additional lighting from the proposed facility will help to light the baseball field and nearby picnic and open space areas. Also, as a light standard, the telecommunication facility will be consistent with adjacent light standards which will minimize the view by helping to 'blend' into surrounding lighting structures.
 - Mitigation: None required.
- Issue – Development Impact Fee: The subject site is located within Scott Park, a municipal facility. As such, the Parks and Recreation Division is negotiating with the applicant on terms of a lease agreement. The city is seeking to include a development impact fee for park improvements related to the cellular facility development proposal, which include landscaping adjacent to the proposed equipment cabinetry location, repair and/or upgrades to the existing enclosure that will house the proposed equipment cabinetry and other related improvements.
 - Mitigation: A condition of approval has been included to assess a \$15,000 development impact fee.
- Issue – Possible Noise Impacts: Previous development plans for telecommunication facilities brought before the Planning Commission have raised concerns regarding the noise(s) transmitted by telecommunication facilities and of related equipment cabinetry. The applicant provided information from an equipment manufacturer and supplier (Exhibit No. 4) that provides the cabinetry equipments used for the proposed telecommunication panels located on the light standard. The research indicates that at a distance of 40 feet from the cabinet axis, located within the equipment enclosure, the

noise level ranges from 51 to 56 dBA (decibel level). According to staff research, 50 dBA is roughly the equivalent noise level heard in a quiet restaurant inside. The distance from the equipment cabinetry to the nearest residence is approximately 90 feet. Thus, the dBA would be significantly decreased given that this distance is more than double the distance used in the manufacturer' analysis.

- Mitigation: None required.
- Issue – Environmental Effects of Telecommunication Facilities on Human Beings: The Federal Communications Commission (FCC) which regulates the use of telecommunication facilities has done studies on low level radiofrequency radiation but has not found that it causes harmful biological effects on human beings. In general, cities cannot regulate telecommunication facilities on the basis of environmental effects of radio frequency emissions if the emissions comply with the requirements of the Federal Communications Commission (FCC). Telecommunication providers are required to certify that their telecommunication facility complies with FCC guidelines regarding radiofrequency. Furthermore, cities cannot regulate radiofrequency interference (RFI) that interferes with the reception of television signals for nearby homes. The courts have held that the FCC has exclusive jurisdiction to regulate RFI.
 - Mitigation: Compliance with FCC regulations.
- Issue – Possible Co-location: The intent of Carson Municipal Code section 9138.16, concerning cellular telecommunication facilities, is to seek ways to limit the proliferation of new cellular telecommunication structures by encouraging and optimizing co-location on existing structures and stealthing and/or building-mounting new and existing structures. In this spirit, the additional application materials required for new cellular telecommunication facility development proposals include a site justification study, which is a study that explains the demands and rationale for selecting a particular location and design for a wireless telecommunication facility. The applicant stated that other attempts were made at co-locating in other areas of the city including the Verizon monopole located at the SCE substation at the Southeast corner of Sepulveda and Broad and co-locating on a building that currently has Nextel on the Southwest corner of Sepulveda and Avalon. The applicant stated that both options were not feasible from a design standpoint.
 - Mitigation: None required.

IV. Environmental Review

Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), the proposed installation of a wireless telecommunications facility on a developed light industrial property does not have the potential for causing a significant effect on the environment and is found to be exempt.

V. Recommendation

That the Planning Commission:

- WAIVE further reading and ADOPT Resolution No._____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING APPROVAL OF DESIGN OVERLAY REVIEW NO. 977-06 TO THE CARSON REDEVELOPMENT AGENCY AND APPROVING CONDITIONAL USE PERMIT NO. 648-06 AND CONDITIONAL USE PERMIT NO. 649-06 FOR A FREESTANDING 60-FOOT TALL WIRELESS TELECOMMUNICATION FACILITY DISGUISED AS A LIGHT STANDARD LOCATED AT 23410 CATSKILL AVENUE."

VI. Exhibits

1. Proposed Resolution
2. Proposed Plans (Submitted under separate cover)
3. Equipment Manufacturer Noise Level Analysis

Prepared by: _____
Steve Newberg, Acting Assistant Planner

Reviewed and Approved by: _____
Sheri Repp, Planning Manager

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