



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: November 27, 2007

SUBJECT: Design Overlay Review No. 1011-07, Conditional Use Permit No. 609-06 and Conditional Use Permit No. 676-07

APPLICANT: John Koos
Core Communications
2923-A Saturn St.
Brea, CA 92821

REQUEST: To collocate an unmanned wireless telecommunication facility on an existing 235-foot radio tower in the CG (Commercial, General) zone and within Redevelopment Project Area No. 4.

PROPERTY INVOLVED: 17900 South Central Avenue

COMMISSION ACTION

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

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairperson Faletogo			Graber
		Vice Chair Hudson			Saenz
		Cannon			Verrett

I. **Introduction**

Applicant

- Core Communications; Attention: John Koos; 2923-A Saturn St.; Brea, CA 92821

Property Owner

- American Tower; 514 S. Myers St. Unit C; Oceanside, CA 92054

Project Address

- 17900 South Central Avenue

Project Description

- To permit and collocate an unmanned wireless facility on an existing 235-foot high radio tower on a developed property.
- The new antennas will be attached to the tower at 60 feet and 85 feet above ground level.
- The project includes six (6) panel antennas and four equipment cabinets will be located within a 10'x16' area next to the existing tower.
- The proposal includes the following discretionary requests:
 - *Design Overlay Review No. 1011-07*: Pursuant to Section 9138.16.D, the facility is considered a major wireless telecommunication facility because it is a freestanding structure located less than 100 feet from a residential zone and the Planning Commission has the approval authority; and
 - *Conditional Use Permit No. 609-06 (Height)*: Pursuant to Section 9138.16.F, the facility exceeds the maximum height limit and approval of a conditional use permit in conformance with Section 9138.16.G is required by the Planning Commission.
 - *Conditional Use Permit No. 676-07 (Tower)*: Pursuant to Sections 9182.21-22, the existing tower structure is non-conforming and approval of a conditional use permit is required by the Planning Commission.

II. **Background**

Previous Uses of Property

- Building permits indicate the property was used as an office in 1953 and a relay station in 1980. The lattice tower was built in 1982. The property currently is owned by MCI Communications and a lattice tower and four telecommunication facility buildings currently occupy the site. American Tower Corporation is the owner of the tower and is currently leasing the tower to several telecommunication companies.

Previously Approved Discretionary Permits

- There are no previously approved discretionary permits associated with this property.

Public Safety Issues

- After consulting with the Public Safety Department it was determined that there are site maintenance issues that the applicant must address. These include: 1) providing a trash enclosure for an existing trash container; 2) marking of parking stalls; and 3) removal of three storage containers in the front parking area.

III. Analysis

Location/Site Characteristics/Existing Development

- The subject property is located at 17900 S. Central Avenue in the City of Carson, between the 91 Gardena Freeway and Victoria Boulevard.
- Adjacent to the subject property to the north and east are vacant properties. A Southern California Gas Building is located to the south and single family homes are located to the west across Central Avenue.
- The physical dimensions of the lot are 180 feet by 215 feet, with a total area of 38,700 square feet.

Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned CG (Commercial, General) and properties to the north, east and west are located within the Dominguez Hills Village Specific Plan. The Southern California Gas property to the south is also zoned CG.
- The subject property has a General Plan Land Use designation of General Commercial; all adjacent properties have a General Plan Land Use designation of Mixed-Use Residential.
- The subject property and all contiguous properties are within Redevelopment Project Area No. 4.

Applicable Zoning Ordinance Regulations

The following table summarizes the proposed project’s consistency with current site development standards for the CG zone district and other zoning code sections applicable to this type of proposed use:

Applicable Zoning Ordinance Sections	Compliant	Non-Compliant	Comments
COMMERCIAL, GENERAL - DEVELOPMENT STANDARDS			
9131.1, “Uses Permitted”	X		Major Wireless Telecommunication Facilities require a Site Plan and Design Review and Conditional Use Permit. Also, subject to Section 9138.16.

Applicable Zoning Ordinance Sections	Compliant	Non-Compliant	Comments
WIRELESS TELECOMMUNICATION FACILITY DEVELOPMENT STANDARDS			
Section 9138.16D2, "Procedural Standards, Major Wireless Telecommunication Facilities"	X		Subject to approval of a Design Overlay Review and Conditional Use Permit by the Planning Commission
Section 9138.16E, "Application Requirements"	X		
Section 9138.16F1-7, "Design and Development Standards"	X		Proposed height can be allowed if there is no expansion or intensification of the facility.
Section 9138.16H, "Required Findings"	X		Subject to approval of a Design Overlay Review and Conditional Use Permit by the Planning Commission

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.

Required Findings: Conditional Use Permit

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:

- 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.
- f. 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:

- 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.
- e. Conformance to any applicable design standards and guidelines that have been adopted pursuant to Section 9172.15.

Required Findings: Wireless Telecommunications Facilities

Pursuant to Section 9138.16, Wireless Telecommunications Facilities, the Planning Division or Planning Commission may approve the development plan and conditional use permit for the proposal only if the following findings can be made in the affirmative:

- 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 located 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.
- c. The proposed wireless telecommunication facility is not located 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.

All of the required findings pursuant to Section 9172.21(d), "Conditional Use Permit, Commission Findings and Decision", Section 9172.23(d), "Site Plan and Design Review, Approval Authority and Findings and Decision", and Section 9138.16(h), "Wireless Telecommunications Facilities, Required Findings" can be made in the affirmative. Details can be found in the attached Resolution.

Issues of Concern / Mitigation:

- Issue – No intensification of antennas: Staff's review of the proposed site plan indicates the replacement, and not intensification, of antennas on the tower.
- Issue – Existing/Future Development: Section 91822 (a), Termination of Existing Nonconforming Use of the Municipal Code requires the termination of an existing tower and communications facilities over 50 feet in height within five years of enactment of the City's Wireless Telecommunications Facilities Ordinance of 2003. The existing non-conforming tower and telecommunication facilities would be required to terminate in 2008, unless a Conditional Use Permit is approved for the tower and each of the existing telecommunication facilities prior to the 2008 deadline. Staff recommends that the Planning Commission approve the Conditional Use Permit for the tower and consider a condition requiring evaluation of the telecommunication facility in seven (7) years or 2015. The evaluation would allow the City to develop and implement any further improvements to the site as deemed necessary by the Planning Commission to buffer surrounding existing and future residential land uses from the existing tower.
- Issue – Site Maintenance: The site shall be properly maintained with respect to building facades.
 - *Mitigation:* The applicant shall paint any portion of the tower or buildings in disrepair to the satisfaction of the Planning Department. A condition of approval has been included to reflect this mitigation measure.
- Issue – Aesthetics - Fencing: The applicant shall replace chain link fencing along Central Avenue with a wrought iron fence. In addition, staff recommends that all existing barb wire be removed.
- Issue - Aesthetics – Landscaping: To the extent feasible, the applicant shall provide landscaping around the perimeter of the property. Prior to issuance of a building permit a landscape plan must be approved by the Planning Division.

IV. Environmental Review

Pursuant to Section 15301 of the California Environmental Quality Act (CEQA), the proposed installation of a wireless telecommunications facility on an existing radio tower site is "Categorically 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 approving Design Overlay Review No. 1011-07, Conditional Use Permit No. 609-06 and Conditional Use Permit No. 676-07 to collocate an unmanned wireless telecommunication facility on an existing 235-foot radio high tower at 17900 South Central Avenue.”

VI. Exhibits

1. Land use map
2. Conditional Use Permit No. 609-06: 17900 S. Central Avenue – Letter from Channel Law Group, LLP dated March 14, 2007
3. 17900 Central Avenue, Carson City – Cell Site Non-conforming review – Letter from American Tower Corporation dated November 7, 2006
4. Resolution
5. Site plan, elevations, floor plans (under separate cover)

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