



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: November 24, 2009

SUBJECT: Conditional Use Permit No. 746-09; Conditional Use Permit No. 753-09; and Modification No. 3 to Design Overlay Review No. 676-98

APPLICANT: Al Gamboa, Milestone Wireless
14110 Ramona Drive
Whittier, CA 90605

REQUEST: To permit an existing legal non-conforming 60-foot-high wireless telecommunications facility on a property located in the ML (Manufacturing, Light) zone and within the Merged and Amended Redevelopment Project Area.

PROPERTY INVOLVED: 24000 South Broad Street

COMMISSION ACTION

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

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Saenz			Park
		Brimmer			Schaefer
		Brown			Verrett
		Gordon			

Item No. 11A

I. Introduction

The applicant, Al Gamboa of Milestone Wireless is requesting approval of Conditional Use Permit (CUP) No. 746-09, CUP No. 753-09 and Modification No. 3 to Design Overlay Review (DOR) No. 676-98 on behalf of Verizon Wireless to permit the existing 60-foot-high monopole located at 24000 South Broad Street and to replace the existing antennas with upgraded antennas of similar shape and size.

The replacement of the antennas will not intensify the existing use but improve the quality of service to Verizon Wireless customers. The subject property is zoned ML (Manufacturing, Light) and has a General Plan land use designation of Public Facilities. The monopole and supporting equipment is located within a Southern California Edison (SCE) substation which is developed with steel framework and electrical equipment. The SCE substation is directly east and west of residential properties. Approximately 50 percent of the subject property is vacant. The subject property is within the Merged and Amended Redevelopment Project Area.

Wireless Telecommunication Facilities Requirements

In 2003, the City Council adopted Ordinance No. 03-1284, establishing Section 9138.16 of the Carson Municipal Code (CMC) regarding requirements for wireless telecommunication facilities. The existing facility was approved in 1998 under Design Overlay Review No. 676-98 prior to the new ordinance. Section 9138.16 D(2) requires that all major wireless telecommunication facilities be subject to the approval of a Site Plan and Design Review and CUP procedures. Section 9138.16 F(2) also states that the Planning Commission may consider approval of facilities that exceed maximum height limits with the approval of an additional conditional use permit.

Section 9182.21 (Nonconforming Use Eligible for Conditional Use Permit Approval) of the CMC identifies that a lawfully established use shall be considered to be a nonconforming use until such time as a CUP is granted. Legal nonconforming telecommunication facilities were given 5 years from the adoption of Ordinance 03-1284 (Telecommunications) to obtain a CUP. The amortization period for the existing facility on the subject property expired in 2008 and is subject to CMC Section 9138.16.

Therefore, a modification to DOR No. 676-98 and two CUPs are required in order for the existing facility to be brought into conformance with current zoning code requirements. CUP No. 746-09 is required to meet current code requirements and CUP No. 753-09 is required to allow the current height of 60 feet, which exceeds the maximum height permitted in the ML zone by 10 feet.

The Planning Commission has the authority to determine if the legal nonconforming wireless telecommunication facility should be abated, modified to meet the current zoning requirements, or approved as is.

II. Background

The subject property is bound by single family residences to the east and west across Broad Street. North of the site across Sepulveda Boulevard are light industrial



uses. There are additional light industrial uses south of the site, and commercial uses west of the site along Sepulveda Boulevard.

The existing monopole presented as DOR No. 676-98 was approved by the Planning Commission at a noticed public hearing on November 24, 1998. Subsequently, the Carson Redevelopment Agency approved DOR No. 676-98 on January 19, 1999. A condition of approval was required for the applicant to provide landscaping along the property site adjacent to Broad Street. Currently, the property site adjacent to Broad Street is adequately landscaped and provides appropriate screening of the property site.

Modification No. 1 to DOR No. 676-98 was approved by the Planning Commission on January 30, 2001 and the Redevelopment Agency on February 20, 2001 to replace the 60-foot wireless communication facility with a 72.2-foot wireless communication facility. No building permits were issued within a year of the approval and no extensions were requested, therefore approval of Modification No. 1 to DOR No. 676-98 expired on February 20, 2002.

Modification No. 2 to DOR No. 676-98 was denied by the Planning Commission on September 11, 2001 which requested the removal of Conditions requiring landscaping along Broad Street. No appeals were requested.

Modification No. 3 to DOR No. 676-98 is concurrently being proposed for consistency with CUP No. 746-09 and CUP No. 753-09.

III. Analysis

Conditional Use Permits

According to CMC Section 9172.21 – Conditional Use Permit, the Planning Commission shall recommend approval of the proposal if it is able to make affirmative findings based on the following criteria:

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

The proposed project is consistent with the General Plan of the city of Carson in that the subject property is designated for Public Facilities and zoned ML (Manufacturing, Light). The site currently operates as a Southern California Edison Substation, therefore the existing wireless facility is consistent with the surrounding development.

b. The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development.

The proposed project meets the City's design and development standards. However, the existing height of the free-standing structure exceeds the maximum height allowed within the ML zone. According to CMC Section 9138.16 F(2) the Planning Commission may consider approval of facilities that exceed the maximum height limit up to 20 percent with the approval of an additional conditional use permit. The applicant has submitted an additional CUP for Planning Commission consideration.

In addition, the applicant proposes to provide a cap (sheath) on top of the free-standing structure in order for the facility to blend in with the surrounding



environment and conceal the antennas. Additional landscaping is also proposed on the site adjacent to Sepulveda Boulevard. Deteriorated landscaping will be removed and replaced with new plants/vines.

c. There will be adequate street access and traffic capacity.

Adequate driveway widths are provided on the site. Appropriate easements are available for circulation and to ensure safety for pedestrians and motorists. Generally, the project will not affect or impact the safe circulation of either pedestrians or vehicular traffic as the facility is unmanned with only occasional maintenance visits.

d. There will be adequate water supply for fire protection.

Prior to the issuance of building permits, the Los Angeles County Fire Department will ensure adequate water supply for fire protection is provided.

e. The proposed use and development will be compatible with the intended character of the area.

The subject property is located within Merged and Amended Redevelopment Project Area. The proposed project meets all applicable design standards and guidelines of the Municipal Code.

f. Such other criteria as are specified for the particular use in other sections of this chapter (Zoning Ordinance).

Pursuant to Section 9138.16(H), Wireless Telecommunications Facilities, the 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:

1. The proposed site is the best alternative after considering co-location with another facility and location at another site.
2. 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.
3. 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.

The wireless facility is an existing monopole which will be upgraded and made stealth in order to blend in with the surrounding environment. The existing facility is not located on any residential dwelling and more than 100 feet from a residential use. In addition, the applicant proposes to remove and replace deteriorated landscaping on the subject property adjacent to Sepulveda Boulevard. Removal and replacement of landscaping will improve the site.

Therefore, project meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations subject to compliance with



the conditions of approval. Therefore all of the required findings pursuant to Section 9172.21(D), "Conditional Use Permit, Commission Findings and Decision" and Section 9138.16(H), "Wireless Telecommunications Facilities, Required Findings" can be made in the affirmative.

IV. Environmental Review

Pursuant to Section 15301 – Existing Facilities (Class 1) of the California Environmental Quality Act (CEQA), the existing 60-foot high wireless telecommunications facility is exempt. The project does not have the potential to cause a significant effect on the environment.

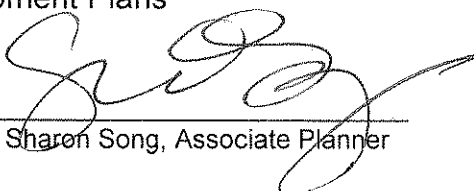
V. Recommendation

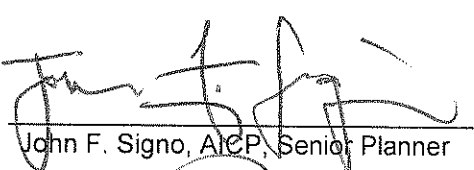
That the Planning Commission:

- APPROVE the proposed project; and
- WAIVE further reading and ADOPT Resolution No. 09-___, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 3 TO DESIGN OVERLAY REVIEW NO. 676-98, CONDITIONAL USE PERMIT NO. 746-09, AND CONDITIONAL USE PERMIT NO. 753-09 FOR AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY LOCATED AT 24000 SOUTH BROAD STREET."

VI. Exhibits

1. Draft Resolution
2. Site Map
3. Development Plans

Prepared by: 
Sharon Song, Associate Planner

Reviewed by: 
John F. Signo, AICP, Senior Planner

Approved by: 
Sheri Repp, Planning Officer



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 09-XXXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 3 TO DESIGN OVERLAY REVIEW NO. 676-98, CONDITIONAL USE PERMIT NO. 746-09, AND CONDITIONAL USE PERMIT NO. 753-09 FOR AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY LOCATED AT 24000 SOUTH BROAD 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, Al Gamboa (Milestone Wireless), with respect to real property located at 24000 South Broad Street, and described in Exhibit "A" attached hereto, approving Modification No.3 to Design Overlay Review No. 676-98, Conditional Use Permit No. 746-09, and Conditional Use Permit No. 753-09 for an existing wireless telecommunication facility on a developed property in the ML (Manufacturing, Light) zone and within the Merged and Amended Redevelopment Project Area.

A public hearing was duly held on November 24, 2009, 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. The Planning Commission finds that:

- a) The General Plan designates the property as Public Facilities which is compatible with the proposed use. The continued use and development of a wireless telecommunication facility will be consistent with the surrounding light industrial uses and is appropriate for the subject property as proposed;
- b) The project is compatible in 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) The site is also adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development. The surrounding land uses are primarily light industrial and the proposed project is compatible with those uses. The site is an existing Southern California Edison sub-station;
- d) The proposed telecommunication facility will only require monthly maintenance visits and is otherwise not occupied, therefore the off-street parking requirements are not applicable and circulation on the adjacent public streets



will not be adversely impacted. Safety and convenience of vehicular and pedestrian access is provided with the on-site private driveway;

- e) The proposed wireless telecommunication facility is located to minimize the visual impact on surrounding properties and from public streets, including stealthing which includes providing a cap on the existing monopole; and
- f) The proposed wireless telecommunication facility meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations. Therefore all of the required findings pursuant to Carson Municipal Code (CMC) Section 9172.21(D), "Conditional Use Permit", and CMC Section 9138.16(H), "Wireless Telecommunication Facilities" are made in the affirmative.

Section 4. The Planning Commission further finds that the use permitted by the proposed Conditional Use Permits will not have a significant effect on the environment. The proposed use will not alter the character of the surrounding area and will meet or exceed all City standards for protection of the environment. Therefore, the proposed project is found to be exempt under the general rule of the California Environmental Quality Act (CEQA), Section 15301, Existing Facilities.

Section 5. Based on the aforementioned findings, the Commission hereby approves Conditional Use Permit No. 746-09 and Conditional Use Permit No. 753-09, and recommends approval of Modification No. 3 to Design Overlay Review No. 676-09 to the Carson Redevelopment Agency with respect to the properties described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 6. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 7. This action shall become final and effective fifteen days after the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 24th DAY OF November, 2009

CHAIRMAN

ATTEST:

SECRETARY



LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL 1 OF PARCEL MAP NO. 13217, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 148, PAGES 66 AND 67 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM ALL OIL, GAS, MINERALS AND OTHER HYDROCARBONS, BLOW A DEPTH OF 500 FEET, WITHOUT THE RIGHT OF SURFACE ENTRY, AS RESERVED IN INSTRUMENT IN INSTRUMENTS OF RECORD.

APN: 7404-012-806



CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
MODIFICATION NO. 3 TO DESIGN OVERLAY REVIEW NO. 676-98
CONDITIONAL USE PERMIT NO. 746-09
CONDITIONAL USE PERMIT NO. 753-09

GENERAL CONDITIONS

1. If a building permit plan check submittal proposing the implementation of Conditional Use Permit No. 746-09, Conditional Use Permit No. 753-09 and Design Overlay Review No. 676-98 is not submitted to the City of Carson within one year of its effective date, said permit shall be declared null and void unless an extension of time is previously 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 comply with all city, county, state and federal regulations applicable to this project.
4. 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 by the Planning Commission.
5. 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.
6. It is further made a condition of this approval that if any condition is violated or if any law, statute or 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.



7. 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.
8. The operator of a lawfully erected facility, and the owner of the premises upon which it is located, shall promptly notify the Planning Division in writing in the event that the use of the facility is discontinued for any reason. In the event the facility is discontinued or abandoned for a period of more than 180 days, then the owner(s) and/or operator(s) shall promptly remove the facility, repair any damage to the premises caused by such removal, and restore the premises as appropriate so as to be in conformance with applicable zoning codes at the owner's and/or operator's expense. All such removal, repair and restoration shall be completed within 90 days after the use is discontinued or abandoned, and shall be performed in accordance with all applicable health and safety requirements.
9. Applicant shall 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, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 746-09, Conditional Use Permit No. 753-09 and Design Overlay Review No. 676-98. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds 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 Applicant's 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.

PLANNING

10. All parking areas and driveways shall remain clear and maintained. No encroachment into parking areas and/or driveways shall be permitted.
11. The proposed cap on the existing wireless facility shall match the existing color of the monopole (sky grey).
12. The wireless telecommunication facility shall not exceed the existing height of 60 feet.
13. The display of any sign or any other graphic on a wireless telecommunications facility or on its screening is prohibited, except for signs for health, safety, and welfare purposes, which is required to be posted in case of an emergency. Emergency signs shall be visibly posted at the facility and shall include contact information including the phone number of the utility provider.



14. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9147.1 (Industrial Zones) of the Zoning Ordinance.
15. All wireless telecommunication facilities shall be constructed and operated in such a manner as to meet the requirements of the Noise Ordinance.
16. Backup generators shall only be operated during power outages and for testing and maintenance purposes.
17. Future modifications to the approved development plans, including the installation of additional panels and equipment cabinetry, shall be subject to Planning Division review and approval. If deemed to be a major modification, the Planning Commission shall be the approval authority.

LANDSCAPING

18. All damaged or disabled landscaping along Sepulveda Boulevard shall be removed and replaced to the satisfaction of the Planning Division prior to the issuance of any building permits.
19. Maintenance of the new landscaping along Sepulveda Boulevard shall be the sole responsibility of the property owner (Southern California Edison). The applicant (Verizon Wireless) will not be responsible for the long-term maintenance of the landscaping along Sepulveda Boulevard.

BUILDING AND SAFETY

20. Submit for plan check, obtain all building permits and have a final inspection conducted for proposed project.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

21. Battery backup and storage areas shall be constructed and maintained in compliance with Article 64 of the uniform Fire Code (UFC).

ENGINEERING SERVICES

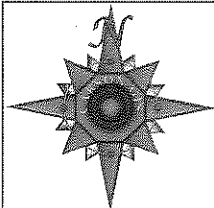
22. Any city-owned improvement damaged during the construction of the proposed project shall be removed and reconstructed per City Standard Plan and to the satisfaction of the City Engineer prior to the issuance of a building permit.
23. Prior to the issuance of a Building Permit, Proof of Worker's Compensation and Liability Insurance must be on file with the Los Angeles County Building and Safety Department.



BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

24. Per section 6310 of the Carson Municipal Code, all parties involved in the installation of the telecommunication facility to be located at 24000 South Broad Street, including but not limited to contractors and subcontractors, will need to obtain a City Business License.





City of Carson
 500 Foot Radius Map
 24000 Broad St

Exhibit 2

