



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

**PUBLIC HEARING:** May 14, 2013

**SUBJECT:** Design Overlay No. 1425-11 and Conditional Use  
Conditional Use Permit No. 885-11

**APPLICANT:** Bonnie Belair  
American Tower  
10 Presidential Way  
Woburn MA 01801

**REQUEST:** To permit an existing legal non-conforming 60-foot-high major wireless communications facility (monopole) on a property located in the MH (Manufacturing, Heavy) zone.

**PROPERTY INVOLVED:** 2045 East Carson Street

### COMMISSION ACTION

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

### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Gordon
		Vice-Chair Verrett			Piñon
		Brimmer			Saenz
		Diaz			Schaefer
		Goolsby			

***Item No. 11A***

## I. Introduction

### *Applicant*

Bonnie Belair  
American Tower  
10 Presidential Way, Woburn MA 01801  
[Bonnie.Belair@AmericanTower.com](mailto:Bonnie.Belair@AmericanTower.com)

### *Property Owner*

Jaffee Real Estate Company  
2618 San Miguel Drive, Box 353  
Newport Beach, CA 92660

### *Project Address*

2045 East Carson Street, Carson CA 90810

### *Project Description*

The applicant, Bonnie Belair, represents American Tower and is requesting approval of Design Overlay Review (DOR) No. 1425-11 and Conditional Use Permit (CUP) No. 885-11 to permit an existing legal, non-conforming 60-foot-high monopole located at 2045 E. Carson Street.

The subject property is located in the MH (Manufacturing, Heaving) zoning district and has a General Plan Land Use designation of Heavy Industrial. The existing monopole is setback over 400 feet from the front property line.

## II. Background

### *Existing Site Location/Current Use of Property*

The 5-acre subject property is located on Carson Street between Wilmington Avenue and Alameda Street within a predominantly industrial area. The adjacent larger heavy industrial properties consists of sizeable warehouses with distribution components are also located within the MH (Manufacturing, Heavy) zone. The properties located south of the site on Carson Street also consist of large warehouses and zoned ML-D (Manufacturing, Light –Design Overlay). (Exhibit No. 1)

Business license records indicate Pacific 9, a trucking and transportation use, currently occupies the subject property. There is a LNG fuel station, a 41,164-square-foot warehouse, a 60-foot monopole and about 61 off-street parking spaces located on-site. The monopole and associated equipment cabinets are located in the rear portion of the property.

In 1989, a 60-foot wood monopole was permitted on-site and in 1995 the existing steel monopole and related equipment were permitted to replace the obsolete wood monopole located in the same lease area. In 2002, AT&T was permitted as a collocation but according to Building records the collocation permits have expired. As



such, an approved building permit and final inspection is required for the existing collocation.

In 2003, Ordinance No. 03-1284 was adopted by the City which requires lawfully established major wireless communications facilities (monopoles) to obtain a conditional use permit (CUP) and is subject to design overlay review (DOR). In 2010, the ordinance was amended to streamline the process and accommodate certain situations so permitted monopoles are considered legal, nonconforming if a CUP and DOR are obtained and as long as there is no intensification or expansion to the facility.

The applicant requests approval of DOR No. 1425-11 and CUP No. 885-11 to include approval of a major height exception for the existing 60-foot monopole.

*Previous Proposals/Approved Discretionary Permits*

- a. There is currently a minor modification – Modification No. 1 to DOR 1425-11 – under administrative review regarding removal and replacement of antennas for the Verizon facility (located at top of the monopole). Staff advised that the proposal was not supported at the time because the monopole requires being in conformance. Additionally, the proposed antennas are larger in height, width and depth than the existing antennas so it was determined that the project would be a substantial addition that would intensify the existing facility. The applicant has not responded to staff's findings.
- b. Application for Administrative DOR No. 1426 proposed to remove and replace the collocation (AT&T) facility's antennas was withdrawn by the applicant, Bonnie Belair.

*Public Safety Issues*

There is no open code enforcement case.

**III. Analysis**

There are two wireless communications providers located on the existing monopole: Verizon and AT&T. The monopole was constructed with Verizon (formerly AirTouch Cellular) facility located at the top consisting of twelve 4-foot-high antennas and a 2-foot-high microwave dish along with related equipment cabinets within an approximately 2,100-square-foot lease area located in the rear portion of the property. AT&T antennas were installed years later as a collocation at the 47-foot-high mark on the monopole consisting of six 4-foot-high antennas and associated equipment within the same lease area.

Typically a monopole is required to meet code by providing a stealth design. However, the Planning Commission has made previous exceptions and approved monopoles located within the ML (Manufacturing, Light) zone:

- An existing 90-foot-high monopole located at 1139 East Dominguez Street (DOR No. 1347-10, CUP No. 734-09, and CUP No. 781-10) approved on January 26, 2010; and
- An existing 156-foot-high lattice tower located at 17311 South Main Street (DOR No. 1335-09 and CUP No. 735-09) approved on October 13, 2009.

The applicant is not proposing any additions or intensification to the existing monopole. The request is to retain the existing monopole "as is" that provides wireless service for



the general vicinity for over 15 years. Staff believes approval of the existing monopole can be supported due to similar findings: the monopole is located within an industrial center hundreds of feet from the street in the rear of a larger size industrial property obscured by surrounding industrial properties consisting of large warehouses and storage containers.

Section 9138.16(B)(8-11, 14, 15) of the Carson Municipal Code (CMC) defines the proposed project as a ground-mounted, major communications facility that is not stealth. Procedural standards contained in this Section require that a major communications facility shall be subject to the approval of a development plan in accordance with Sections 9172.23, Site Plan and Design Review (DOR), and Section 9172.21, Conditional Use Permit (CUP).

#### **DESIGN OVERLAY REVIEW NO. 1425-11**

The Planning Commission may approve Design Overlay Review No. 1425-11 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.

The subject property is designated as Heavy Industrial within the Land Use Element of the General Plan. The project site is located in the eastern area of the City on Carson Street between Wilmington Avenue and Alameda Street. There are no specific plans for the area. The adjacent properties to the north, east and west have the same General Plan designation of Heavy Industrial and consist of warehouse use with distribution component. The properties located across Carson Street (south of the property) also consist of warehouse use with distribution component with a General Plan Land Use designation of Light Industrial. The existing use is a permitted use in the MH zoning district and will be compatible with these surrounding uses in that it will not significantly impact the adjacent properties, in terms of noise, dust, odor, aesthetics or other environmental considerations.

- 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.

The existing monopole and related equipment occupies an approximately 2,100-square-foot lease area located behind the LNG fuel station and warehouse area. The property is generally a trapezoid in shape and has landscape trees located along Carson Street property line. A chain link fence runs along the interior property lines. The balance of the property is paved with little landscape, and no parking is affected. The applicant proposes to repaint the monopole, replace a nearby dilapidated palm tree with a date tree and plant an additional weeping fig tree south of the lease area to provide additional green area. As such, the aesthetic impacts will be lessened, thus helping to achieve a harmonious and attractive development of the area.

- c. Convenience and safety of circulation for pedestrians and vehicles.



The existing parking will not be affected. The driveway widths and parking spaces will remain code-compliant, thereby adequately maintaining the convenience and safety of circulation for pedestrians and vehicles.

- d. Attractiveness, effectiveness and restraint in signing, graphics and color.

Apart from the required safety, directional or informational signs, no product advertising signs are proposed for the project.

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

The existing monopole is legal, non-conforming with applicable design standards and guidelines because it is not stealth and exceeds the maximum height of 50-feet. However, the Planning Commission has the discretion to approve the existing monopole as is and approve a height exception up to 30% of the maximum allowable height restriction. As such, the 60-foot monopole can be considered for approval by the Planning Commission subject to conditions of approval.

In addition to the findings in Section 9172.23(D) of the CMC, the Planning Commission shall be guided by the provisions of Subsection F, Development and Design Standards, of Section 9138.16, which includes standards for 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.

The monopole has been operating on-site for over 15 years and no collocation is being proposed at this time. Records show that the determining factors in site selection included the ability to lease the necessary property, ability to construct the proposed site, conformance to the zoning code (at that time), and the ability to provide adequate radio frequency coverage and connect to surrounding network sites.

- b. The proposed wireless communications 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 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.

The monopole is located in the rear of a 5-acre industrial property (over 400 feet from the street) behind a LNG fuel station and a large warehouse area which obscure the view of the monopole. Additionally, there is adequate landscape along Carson Street and adjacent are larger industrial properties consisting of warehouses and containers which minimize the visual impact of the monopole. The applicant's proposal to repaint the monopole, replace and provide additional trees near the lease area lessens the aesthetic impact of the monopole thus helping to achieve a harmonious and attractive development.

- 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 or religious worship.



The existing project is located on an industrial property that does not have any residential dwellings, church, or place of religious worship on-site.

#### **CONDITIONAL USE PERMIT NO. 885-11**

Approval of a CUP is required for a freestanding Major Wireless Communications Facility in a manufacturing zone. 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.

The existing use and development is consistent with General Plan goals, which include promoting sustainable energy, communication, and other systems which meet the needs of the community. The site operates as a warehouse complex that provides trucking and transporting services within a General Plan Land Use designation of Heavy Industrial. The existing monopole is a permitted use and 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 subject property is a developed 5-acre, trapezoid shape and flat, industrial site. It is located off of a major street which is surrounded by developed properties that are served by adequate infrastructure and utilities. Thus there are adequate utilities to provide and maintain service to the existing use.

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

Access to the existing facility for routine maintenance or emergency repair will continue to be provided, so the existing monopole will not impact traffic in the vicinity.

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

The property was previously developed and the monopole was permitted so there is adequate water supply for the existing facility.

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

The permitted monopole does not negatively impact the vicinity of the subject site, in terms of parking, traffic, noise and safety. The intended character of the area is for industrial use which the existing use is compatible.

- 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, Section 9143 of the CMC outlines special criteria and limitations as indicated below that shall be considered in acting upon a Conditional Use Permit in an industrial zone:

- a. Possible hazards to the surrounding area as a result of the proposed use.

The equipment associated with the wireless communication facility operates quietly or virtually noise free and it does not emit fumes, smoke, or odors that could be considered objectionable.



- b. Possible hazards to the proposed use due to proximity or interaction with uses in the surrounding area.

The existing monopole is compatible with the existing uses within the MH zoning district both in terms of use and aesthetics. Retaining this infrastructure will continue to provide significant communication service in the area, and further enhance the general welfare of the public.

- c. Cumulative and interactive effects upon the environment and public safety resulting from the interrelation, magnitude and intensity of industrial activities in the area.

Like all electrical devices, wireless antennas produce electromagnetic fields (EMFs), the invisible lines of force that surround any electric current. We are exposed to a variety of such fields from natural and man-made sources. The wireless telephone industry is designed to function using a number of very low-powered transmission facilities.

The effect of wireless radio frequencies compared to other AM and FM signals, and TV transmissions is considered negligible by the industry's regulatory agencies. Moreover, all FCC licensed wireless service providers are prohibited from maintaining any interference with exiting licensed communication uses, and must comply with all FCC emissions guidelines.

#### **MAJOR EXCEPTION**

The Zoning Ordinance allows the Planning Commission to consider approval of facilities to exceed the maximum height described in Section 9138.16(G)(1)(b) subject to approval of a Conditional Use Permit. Such Conditional Use Permit for facilities shall authorize a height limit in conformance with Subsection G, Major Exceptions, of Section 9138.16. Subsection G provides for a thirty percent increase in the maximum height allowed, which is 50 feet in the MH 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 all of the following findings are made based on evidence submitted by the applicant (Exhibit No. 2):

- a. If the applicant seeks the major exception in order to service the applicant's gap in service, the applicant shall submit an explanation and supporting engineering data establishing that a tower or antenna as proposed is technologically necessary.
- b. If the applicant seeks the major exception in order to accommodate the establishment of a co-located facility, the applicant shall demonstrate that conformance with the code would require the installation of new freestanding communications facility or other less desirable facility.
- c. If seeking a major exception from height standards set forth herein, the applicant shall demonstrate that the proposed height is designed at the minimum height necessary. The applicant shall specifically include an analysis comparing the operation of the facility at it proposed height with its operation at the maximum height permitted herein. The purpose of this analysis is to ensure that additional height is permitted only when technologically necessary for the provision of services. Further, the applicant shall certify that the facility shall not cause a hazard to aircraft.



- d. Locating the antenna in conformance with the specifications for the Section would obstruct the antenna's reception window or otherwise excessively interfere with reception, and the obstruction or interference involves factors beyond the applicant's control and relocation is not an option.
- e. The visual impacts are negligible because the facility is designed to architecturally integrate with the surrounding environment.
- f. Granting the major exception shall conform to the spirit and intent of this zoning code.
- g. Granting the major exception will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity.

The existing 60-foot monopole was constructed legally prior to Ordinance 03-1284 thus the facility is legal, non-conforming. The Planning Commission has the authority to determine if the legal nonconforming communications facility should be abated, modified to meet the current zoning requirements, or approved as is. Because the existing monopole does not currently meet code, a Planning Commission denial of the application would require a stealth design of the monopole or removal of the facility. The Planning Commission has made exception to compliance to require a stealth design and height requirements with previous applications. The existing monopole is surrounded by larger industrial properties and its visibility is obscured by surrounding sizeable warehouses and containers. Staff believes the existing monopole integrated adequately within the industrial area.

Based upon the information found in the 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.

#### Issues of Concern

Aesthetic impacts of the existing monopole can be considered a visual blight. Staff has conducted field surveys to observe the visibility of the monopole from various vantage points along the streets surrounding the subject property. The property is located within large industrial center on Carson Street between Wilmington Avenue and Alameda Street. The adjacent properties are heavy industrial sites: the property located west of the site is about 12.5 acres and the adjacent property east of the site is 25.54 acres. South of the subject property across Carson Street are 13-acre light industrial properties owned by Watson Land. Though Carson Street is heavily traveled, it is mainly traveled by employees, associated truck use or those having business to do with the properties within these boundaries. Due to the predominant industrial use of the surrounding properties to include large warehouse and various light manufacturing use buildings along Carson Street, the visibility of the monopole from that vantage point is limited. The applicant proposes to replace and add new trees near the facility to further obscure the visibility of the monopole.

The Planning Commission is empowered to impose conditions that they deem appropriate. Some examples of conditions used for similar, although less in height, existing monopoles is a "cap" or "sheathing" that covers the top of the monopole and the





antennae panels, or additional landscaping either off-site in the vicinity, or elsewhere on the subject site to help mitigate potential visual impacts resulting from the communications facility. Staff feels that in this case a cap or sheath might actually bring more attention to the pole. The monopole is located at the rear of a 5-acre industrial property within the MH zone. The large warehouse buildings, existing and proposed trees within the vicinity seem to provide adequate screening.

#### IV. Environmental Review

Pursuant to Section 15301, Class 1 – Existing Facilities of the California Environmental Quality Act (CEQA), the existing 60-foot-high wireless communications facility (monopole) is exempt. The existing monopole on a developed industrial property reasonably falls within this exemption category since no foreseeable significant impacts would result and the project does not have the potential for causing a significant effect on the environment.

#### V. Conclusion

The above analysis documents that the existing monopole is consistent with the current communications facilities regulations in the Carson Municipal Code, to include the applicable zoning district and use, and proper land use planning principles.

#### VI. Recommendation


That the Planning Commission:

- **APPROVE** the Categorical Exemption;
- **APPROVE** Design Overlay No. 1425-11 and Conditional Use Permit No. 885-11, subject to conditions of approval attached as Exhibit "B" to the Resolution; and
- **WAIVE** further reading and **ADOPT** Resolution No. \_\_\_\_\_, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1425-11 AND CONDITIONAL USE PERMIT NO. 885-11 TO PERMIT AN EXISTING LEGAL, NON-CONFORMING 60-FOOT-HIGH MAJOR WIRELESS COMMUNICATIONS FACILITY ON A PROPERTY LOCATED AT 2045 EAST CARSON STREET."

#### VII. Exhibits

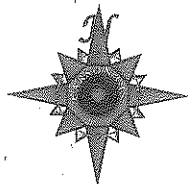
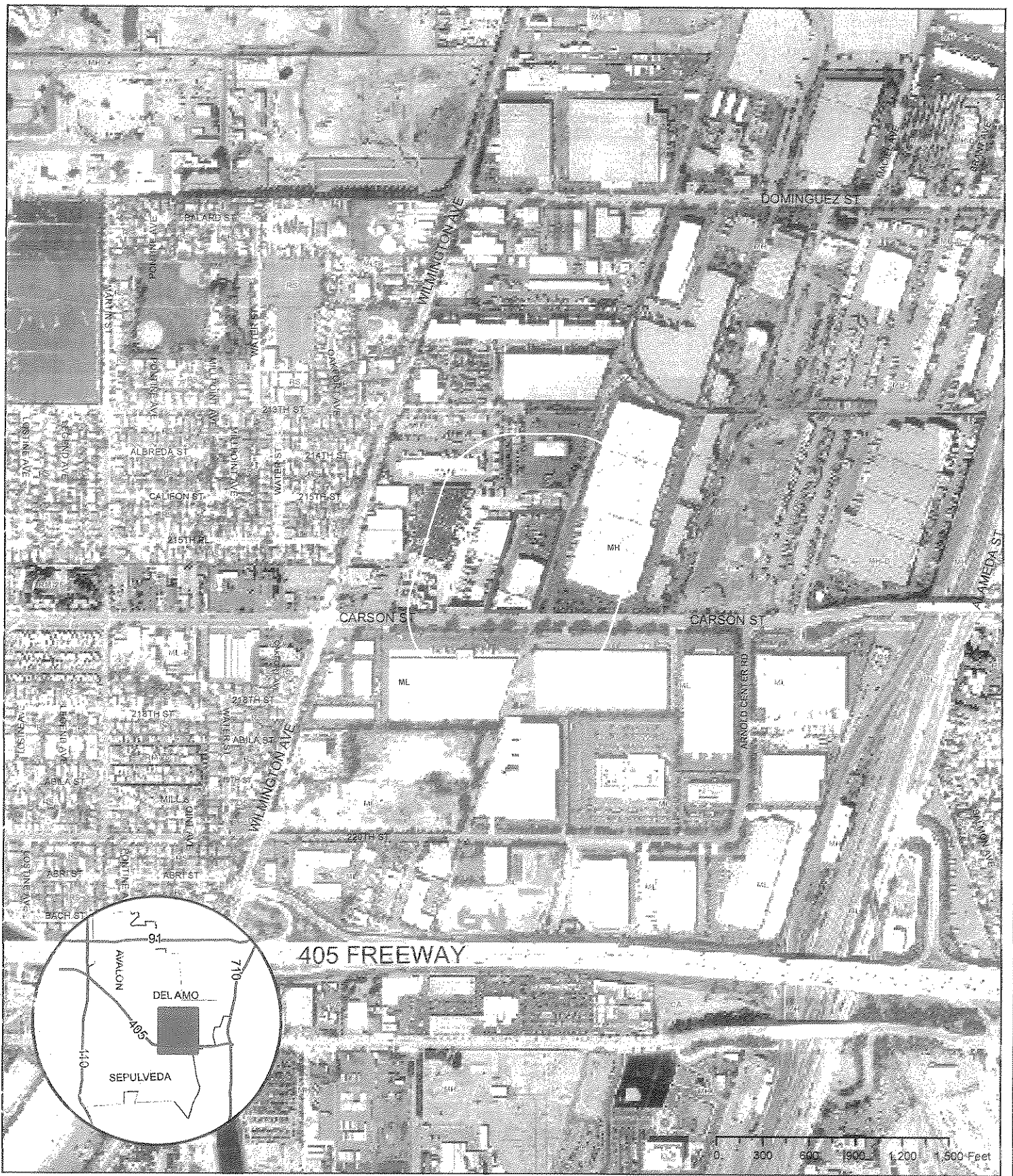
1. Land Use Map
2. Major Exception Justification Study
3. Resolution
4. Development Plans (Submitted under separate cover)

Prepared by:

  
McKina Alexander, Planning Technician

Reviewed and approved by:

  
John F. Signo, AICP, Senior Planner



City of Carson EXHIBIT NO. 01  
 500 Foot Radius Map  
 2045 East Carson Street



VIA EMAIL AND FEDEX



April 19, 2013

McKina Alexander  
Planning Technician  
City of Carson  
701 E Carson Street  
PO Box 6234  
Carson, CA 90749

RE: Conditional Use Permit No. 885-11  
Justification for height section 9138.16(G)(b)1-7 supplementing Narrative dated 11/19/12  
2045 East Carson Street

Dear Ms. Alexander,

The aforementioned wireless facility is a legally permitted use as it was originally permitted and constructed as a wood pole in 1989 and then was replaced with a steel structure receiving its permit in 1994 and constructed in 1995. When a local jurisdiction applies its new regulations to an existing legally permitted wireless facility the resulting effects are particularly onerous and result in impeding collocation or equipment upgrades in direct contravention to the FCC and federal law. Should the City of Carson permit the subject modifications and compliance, then the purpose and use of this tower will remain consistent with its original approval and such *modification will result in no expansion or intensification of the facility* as stated in City of Carson Ordinance. The use in 1989 was wireless telecommunications and the use today in 2013 remains wireless telecommunications. (See *Oceanview Homeowners Ass'n, Inc. v. Quadrant Const. and Engineering, 680 P.2d 793 (Alaska 1984)*) (An intensification and not an illegal expansion occurred where an increase in the number of planes using an airstrip, addition of dirt to runway, and improvement of access of airstrip facilities resulted in (1) no significant difference in character and purpose of use; (2) no significant physical changes in airstrip; and (3) no significant difference in impact on surrounding property owners).

A material change in the condition of an established use, both in magnitude and character, such that it constitutes a wholly new and different use, is an unlawful enlargement and extension of a nonconforming use. (See *Orange County v. Goldring, 121 Cal. App. 2d 442, 263 P.2d 321 (1953)*) Equipment modifications, collocation or compliance measures; however, are not a material change in the use, but rather the same use and therefore under the City's Ordinance, modifications and collocation should not be considered an expansion of a nonconforming use. Currently, there are no changes contemplated that will increase the height of the tower or increase the fenced compound area.

Since, 1994, American Tower has had a fundamental vested right in the Facility under the "Vested Rights" doctrine (See *Goat Hill Tavern v. City of Costa Mesa 6 Cal. App 4th 1519, (1992)* and now

EXHIBIT NO. 02



applies to use this right for its' intended purpose of telecommunications. Due to FCC regulatory requirements, AT&T and Verizon are required to fill gaps in coverage and capacity to provide cellular service in the City of Carson ("City"). Both carriers will invest a lot of time, money and infrastructure in order that the Facility will be utilized to provide the required coverage to the affected area that was lacking in coverage and to provide the residents in the City with necessary wireless coverage.

Both AT&T and Verizon are licensed by the Federal Communications Commission ("FCC"), and they are wireless telecommunications public utilities providing an essential public service. The instant application is filed in furtherance of the goals and objectives established by Congress under the Federal Telecommunications Act of 1996 ("TCA"). TCA is "an unusually important legislative enactment," establishing national public policy in favor of encouraging "*rapid deployment of new telecommunications technologies* (emphasis supplied)." Reno v. ACLU, 521 U.S. 844, 857, 117 S.Ct.2329, 2337-38, 138 L.Ed 2d 874 (1997). The Federal Telecommunications Act of 1996 builds upon the regulatory framework for commercial mobile (radio) services which Congress established in 1993. Since 1993, it has been the policy of the United States to "foster the growth and development of *mobile services* that, by their nature, *operate without regard to state lines* as an integral part of the *national telecommunications infrastructure*." H.R. Rep. No. 103-111, 103d Cong., 1<sup>st</sup> Sess. 260 (1993) (emphasis added). As such, both carriers are licensed to provide wireless telephone service to subscribers throughout California, including the City of Carson.

The Middle Class Tax Relief and Job Creation Act enacted in 2012 includes §6409 which provides that a state or local government "may not deny, and shall approve" any request for collocation, removal or replacement of transmission equipment on an existing wireless tower or base station, provided this action does not substantially change the physical dimensions of the tower or base station. The application before you does not propose any changes that would substantially alter or change the existing facility.

The Planning Commission shall make all of the following findings based on the evidence submitted by the applicant 9138.16(G)(b)1-7:

1. If the applicant seeks the major exception in order to service the applicant's gap in service, the applicant shall submit an explanation and supporting engineering data establishing that a tower or antenna as proposed is technologically necessary.

*The current application does not propose any changes to the Facility; the purpose is to conform with the City of Carson's Ordinance section 03-1284. The facility has been in existence since 1989 and has co-existed harmoniously in the area. Requiring any reduction in*



*the height of the facility would cause a serious disruption and loss of service to the customers for both Verizon Wireless and AT&T. Their entire network is built upon the interrelationship of many sites and any reduction would dramatically impact their level of service to their customers and emergency capabilities. In addition, with more than 70 percent of all emergency calls placed using a wireless device, (FCC.gov, Guide: Wireless 911 Services); the ability to access fire, rescue and police services may be significantly hindered without wireless infrastructure, especially for those relying on wireless as their sole form of voice communications. Please refer to coverage maps provided by Verizon Wireless demonstrating the need for the current height of the tower. Coverage Map #1 illustrates the coverage without the site; Coverage Map #2 illustrates the site/area with the subject site. The red color portrays in building coverage, green shows coverage available in a car only, yellow is coverage for those on foot and the blue color illustrates little or no coverage. As you can see on Map #1 the large blue area (subject site) with no coverage and on Map #2 the very same area in the blue is now replaced with red showing that optimal coverage is provided.*

2. If the applicant seeks the major exception in order to accommodate the establishment of a collocated facility, the applicant shall demonstrate the conformance with the code would require the installation of new freestanding communications facility or other less desirable facility.

*The instant application is to bring the site into compliance with the City of Carson's Ordinance 03-1284. No new collocation is contemplated at this time.*

3. If seeking a major exception from the height standards set forth herein, the applicant shall demonstrate that the proposed height is designed at the minimum height necessary. The applicant shall specifically include an analysis comparing the operation of the facility at its proposed height with its operation at the maximum height permitted herein. The purpose of this analysis is to ensure that additional height is permitted only when technologically necessary for the provision of services. Further, the applicant shall certify that the facility shall not cause a hazard to aircraft.

*Included with this Narrative is the FAA Determination of No Hazard to Air Navigation Report. The height of the tower has remained the same since construction in 1994. In order for Verizon and AT&T to provide the services that consumers demand and rely upon, wireless carriers and infrastructure providers must maintain the existing infrastructure to adequately meet both coverage and capacity demands. Provider networks are severely strained trying to meet the capacity needs of current and next-generation wireless networks. Please refer to coverage maps illustrating the need for the height exception as provided by Verizon Wireless. For 24 years these*

*wireless providers have built their entire network in the City of Carson that has included this site. Reducing or losing the coverage provided with this site would dramatically reduce the coverage and services provided by Verizon Wireless and AT&T.*

4. Locating the antenna in conformance with the specifications of this Section would obstruct the antenna's reception window or otherwise excessively interfere with reception, and the obstruction or interference involves factors beyond the applicant's control and relocation is not an option.

*Both Verizon and AT&T's network is operating efficiently without interference at this time. The antennas do have to be above the tree height or there can be disruption to the network resulting in dropped calls or loss of service. Both of the wireless providers have built their network around this site and have depended upon this site as an integral part of their network for 24 years without causing any interference issues.*

5. The visual impacts are negligible because the facility is designed to architecturally integrate with the surrounding environment.

*The Facility will remain as it is today with the exception of additional landscaping and painting of the tower. The Applicant proposes to paint the Facility a neutral, non-glossy color that matches the existing structure and is approved by the City's Planning Director. The property is surrounded by commercial/industrial uses and is not in close proximity to any residential uses. The facility has been integrated into the surrounding environment for 24 years and there will be no additional visual impact with the exception of the visual improvements for landscaping and painting.*

6. Granting the major exception shall conform to the spirit and intent of this zoning code.

*Granting the exception will enable the facility to be brought in compliance with the zoning code and provide wireless coverage to the residents of Carson who depend upon these services for their business and personal use.*

7. Granting the major exception will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity.



*The existing facility will not be detrimental to the visual integrity of the building on the subject site or to the surrounding properties. The existing facility is in a commercial area surrounded by large buildings, a parking lot and roadways. Any future equipment upgrades on this existing facility will have minimal impact to the area. The facility is unmanned and does not require the use of any public facilities; nor will it contribute to any additional traffic. Technicians will visit the site approximately one time per month for maintenance inspections. The existing facility has harmoniously co-existed in the surrounding neighborhood for 24 years. On the contrary the granting of the exception will further the public interest of health and safety as it will enable wireless emergency 911 services to be available to the community.*

American Tower respectfully requests that the City grant American Tower's application for a conditional use permit to bring the facility into compliance with the City's Ordinance. American Tower for the foregoing reasons suggests that the Applicant has satisfied the City's requirements for a conditional use permit and has complied with the City's Ordinance. The benefits of telecommunications coverage in the vicinity of the site contemplated in this application, including enhanced emergency capabilities and response is consistent with the City's objective to protect the public health, safety and welfare pursuant to the City of Carson Ordinance.

Bonnie Belair, Esq.  
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10 Presidential Way  
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781 926-4637



Lincoln Village Area, site off

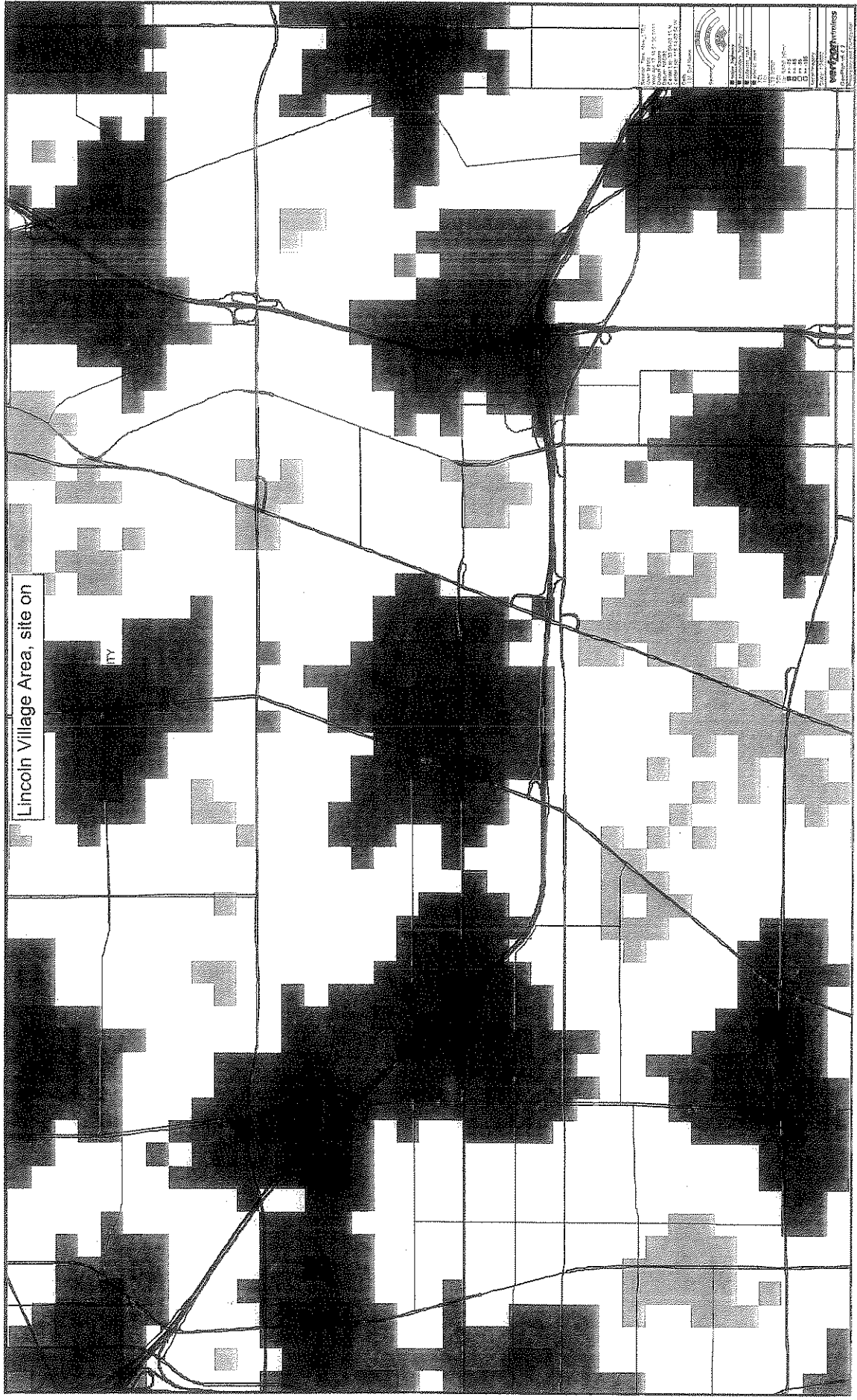
1/16

1/16



#2

Lincoln Village Area, site on



Scale: 1" = 100'
North Arrow
Project: Lincoln Village Area, site on
Date: 10/1/88
Author: [Name]
Editor: [Name]
Checker: [Name]
Plotter: [Name]
Sheet: 1 of 1
Scale: 1" = 100'
North Arrow
Project: Lincoln Village Area, site on
Date: 10/1/88
Author: [Name]
Editor: [Name]
Checker: [Name]
Plotter: [Name]
Sheet: 1 of 1

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Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
2601 Meacham Boulevard  
Fort Worth, TX 76137

Aeronautical Study No.  
2012-AWP-1604-OE  
Prior Study No.  
2006-AWP-1796-OE

Issued Date: 03/07/2012

Lottie Thompson  
American Tower-Schaumburg, IL  
1101 Perimeter Drive  
Schaumburg, IL 60173

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Monopole Lincoln Village CA, 300928
Location:	Carson, CA
Latitude:	33-50-01.06N NAD 83
Longitude:	118-14-06.40W
Heights:	26 feet site elevation (SE) 76 feet above ground level (AGL) 102 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.



Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This aeronautical study included evaluation of a structure that exists at this time. Action will be taken to ensure aeronautical charts are updated to reflect the most current coordinates, elevation and height as indicated in the case description.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 321-7760. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2012-AWP-1604-OE.

Signature Control No: 159428968-160261387

( DNE )

Joan Tengowski  
Technician

Attachment(s)  
Frequency Data  
Map(s)

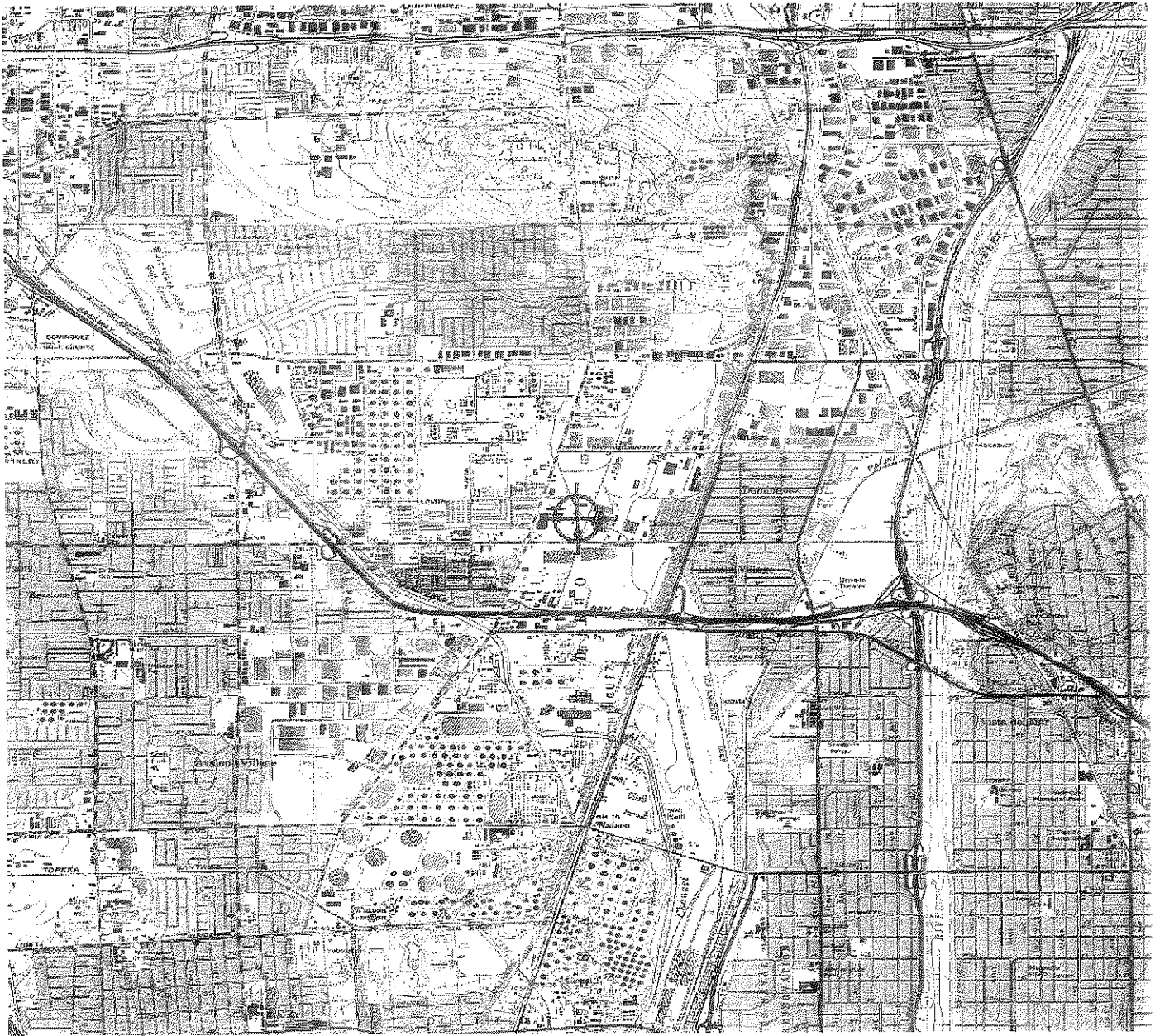
cc: FCC



Frequency Data for ASN 2012-AWP-1604-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
698	806	MHz	1000	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W





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CITY OF CARSON  
PLANNING COMMISSION  
RESOLUTION NO. \_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1425-11 AND CONDITIONAL USE PERMIT NO. 885-11 TO PERMIT AN EXISTING LEGAL, NON-CONFORMING 60-FOOT-HIGH MAJOR WIRELESS COMMUNICATIONS FACILITY (MONOPOLE) ON A PROPERTY LOCATED AT 2045 EAST CARSON 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, Bonnie Belair of American Tower, with respect to real property located at 2045 East Carson Street, and described in Exhibit "A" attached hereto, approving Design Overlay Review No. 1425-11 and Conditional Use Permit No. 885-11 for an existing 60-foot-high major wireless communications facility (monopole) on a developed property in the MH (Manufacturing, Heavy) zone.

A public hearing was duly held on May 14, 2013, 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 Heavy Industrial which is consistent with the subject property zoning designation of MH (Manufacturing, Heavy). The continued use and development of the existing monopole is consistent with the surrounding heavy 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 adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development. The surrounding land uses are primarily heavy and light industrial thus the proposed project is compatible with those uses.
- d) The existing monopole will require occasional 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 driveway.



- e) The existing monopole is located in the rear of a 5-acre industrial property, surrounded by large warehouses and other industrial uses. There is adequate landscape along Carson Street and some landscape near the facility which helps screen the facility from public view. These elements minimize the visual impact and help to block visibility from key vantage points along Carson Street.
- f) The facility may exceed the maximum height described in Section 9138.16(G)(1)(b) of the Carson Municipal Code (CMC) subject to approval of a conditional use permit. Such conditional use permit for the facility shall authorize a height limit in conformance with Subsection G, Major Exceptions, of Section 9138.16. Subsection G provides for a thirty percent increase in the maximum height allowed, which is 50 feet in the MH zone. Thus, a total height of 60 feet is allowed under the conditional use permit. The Planning Commission finds the height increase would not result in a degradation of the environment or be visually obtrusive to the surrounding area.
- g) The existing monopole 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 Section 9172.21(D), "Conditional Use Permit," and Section 9138.16(H), "Required Findings," of the CMC are made in the affirmative.

**Section 4.** The Planning Commission further finds that the existing use will not have a significant effect on the environment. The use will not adversely augment 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 pursuant to the California Environmental Quality Act (CEQA), Section 15301 – Existing Facilities.

**Section 5.** Based on the aforementioned findings, the Commission hereby approves Design Overlay Review No. 1425-11 and Conditional Use Permit No. 885-11 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 14<sup>th</sup> DAY OF MAY, 2013**

\_\_\_\_\_  
**CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**SECRETARY**



Customer Name: JAFFEE REAL ESTATE COMPANY  
Application #: 300928

EXHIBIT "A"

SITUATE IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

EAST 5 ACRES OF SOUTH HALF OF LOT 4, IN BLOCKS OF SUBDIVISION OF A PART OF THE RANCHO SAN PEDRO, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1 PAGE(S) 601 AND 602 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

TAX ID NO: 7316-023-036

ADDRESS: 7316-023-036, LONG BEACH, CA 90810





**CITY OF CARSON**  
**ECONOMIC DEVELOPMENT**  
**PLANNING DIVISION**  
**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**DESIGN OVERLAY REVIEW NO. 1425-11**  
**CONDITIONAL USE PERMIT NO. 885-11**

**GENERAL CONDITIONS**

1. Obtain a building permit and approved final inspection for the existing collocation.
2. If the implementation of Design Overlay Review No. 1425-11 and Conditional Use Permit No. 885-11 are not submitted to the City of Carson within one year of their effective dates, said permits shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
3. 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.
4. 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.
5. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
6. 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.
7. 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.
8. 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.

9. 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.
10. 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 Design Overlay Review No. 1425-11 and Conditional Use Permit No. 885-11. 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

11. All parking areas and driveways shall remain clear and maintained. No encroachment into parking areas and/or driveways shall be permitted.
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 wireless communications facilities shall be constructed and operated in such a manner as to meet the requirements of the Noise Ordinance.
15. Backup generators shall only be operated during power outages and for testing and maintenance purposes.

16. 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.

#### **BUILDING AND SAFETY**

17. Submit for plan check, obtain all building permits and have a final inspection conducted to legalize the existing collocation facility.

#### **FIRE DEPARTMENT - COUNTY OF LOS ANGELES**

18. Battery backup and storage areas shall be constructed and maintained in compliance with Article 64 of the uniform Fire Code (UFC).
19. 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.

#### **ENGINEERING SERVICES**

20. Any city-owned improvement damaged during the construction of a 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.

#### **BUSINESS LICENSE DEPARTMENT - CITY OF CARSON**

21. Per section 6310 of the Carson Municipal Code, all parties involved in the operation of the existing communications facility located at 2045 E. Carson Street, including but not limited to contractors and subcontractors, will need to obtain a City Business License.