



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: January 28, 2014

SUBJECT: Design Overlay No. 1498-13 and Conditional Use Permit No. 934-13

APPLICANT: AT&T
Attention: Vance Pomeroy of Velotera Services

REQUEST: To approve construction of a 60-foot-high major communications facility disguised as a pine tree (mono-pine) and a 138-square-foot equipment shelter on an existing SCE utility compound in the MH-D (Manufacturing, Heavy – Design Overlay) zoning district.

PROPERTY INVOLVED: 140U West Griffith Street

COMMISSION ACTION

_____ Concurred with staff

_____ Did not concur with staff

_____ Other

COMMISSIONERS' VOTE

<u>AYE</u>	<u>NO</u>		<u>AYE</u>	<u>NO</u>	
		Chairman Faletogo			Gordon
		Vice-Chair Verrett			Piñon
		Brimmer			Saenz
		Diaz			Schaefer
		Goolsby			

Item No. 11A

I. **Introduction**

Applicant

Vance Pomeroy
Velotera Services for AT&T
29319 121st Street East
Juniper Hills, CA 93543
vpomeroy@velotera.com

Property Owner

Southern California Edison
4900 Rivergate, Building 2-B
Irvine, CA 92614

Project Address

140U West Griffith Street

Project Description

The applicant, Vance Pomeroy of Velotera Services, represents AT&T and is requesting approval of Design Overlay Review (DOR) No. 1498-13 and Conditional Use Permit (CUP) No. 934-13 for construction of a 60-foot high, major communications facility disguised as a pine tree (mono-pine), and a 138-square-foot equipment shelter within a new 9-foot-high, 680-square-foot chain-link fence and barbed wire enclosure on an SCE utility substation located at 140U West Griffith Street. The proposal is to install three sectors with four 8-foot-high antennas, associated remote radio units and three surge suppressors onto the mono-pine. The 138-square-foot equipment shelter will house related utilities and equipment. The 740-square-foot lease area for the proposed mono-pine and related equipment shelter is in the rear of the property on the west side along Griffith Street.

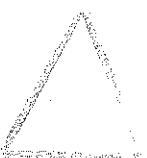
The subject property is located in the MH-D (Manufacturing, Heavy – Design Overlay) zoning district and has a General Plan Land Use designation of Heavy Industrial. The proposed facility is setback more than 200 feet from the front property line, 3-feet from the rear property line and 30-feet from the north side property line (Griffith Street side), and setback over 100 feet from the southerly side yard property line.

II. **Background**

The subject property is 2.04 acres and developed with a utility substation consisting of transmission towers. Southern California Edison (SCE) owns and operates the substation.

III. **Analysis**

Section 9138.16(B)(8-11, 14, 18) of the Carson Municipal Code (CMC) defines the proposed project as a ground-mounted, stealth, major communications facility.



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. 1498-13

The Planning Commission may approve Design Overlay Review No. 1498-13 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 northwest area of the City of Carson, on the south-west corner of Griffith Street and Main Street within a predominantly industrial area. The properties to the north (across Griffith Street) are within the ML-D (Manufacturing Light-Design Overlay) and MH-D (Manufacturing Heavy – Design Overlay) zoning district and the adjacent properties to the west (vacant land) and south are also within the MH-D (Manufacturing Heavy – Design Overlay) zoning district. East of the subject property, across Main Street, are residential single-family (RS) properties located over 100 feet from the proposed mono-pine. The proposed use is permitted within the MH-D zoning district with approval of a CUP and will be compatible with the surrounding uses in that it will not significantly impact adjacent properties, in terms of noise, dust, odor, aesthetics or other environmental considerations (EXHIBIT NO. 1). There are no specific plans for the area.

- 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 proposed mono-pine, related utilities and equipment shelter will occupy a 17-foot by 30-foot lease area in the rear of the existing 2-acre SCE substation. The property is rectangular in shape and has landscaping and trees located along the easterly property line. Additional landscape screening is not proposed on-site because SCE does not permit new landscaping planted in or adjacent to SCE transmission tower and substation facilities due to possible outages caused by falling fronds and or branches. The proposed facility disguised as a mono-pine will lessen aesthetic impacts thus helping to achieve a harmonious and attractive development of the area.

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

The subject property is occupied by SCE substation with no on-site parking and restricted pedestrian circulation. Occasional maintenance is performed by SCE. The proposed mono-pine will not have an impact on 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. The proposed facility is intended to



simulate a pine tree, in terms of shape and appearance. The use of synthetic rubber bark and leaves will be effective in helping to stealth the facility.

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

The project is compliant with applicable design standards and guidelines.

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.

This site was chosen for its optimal future capacity coverage. The applicant considered other properties within the area but the owners were not amenable or the sites did not meet the qualification standards and coverage objectives. Determining factors in site selection included the ability to lease the necessary property, ability to construct the proposed site, conformance to the zoning code, and the ability to provide adequate radio frequency coverage and connect to surrounding network sites. The subject site was chosen based on these determinants.

- b. The proposed wireless telecommunication facility will be located and designed to minimize the visual impact on surrounding properties and from public streets. The facility will be stealth through use of material, color and architectural design (EXHIBIT NO. 2).

There are a total of 12 panel antennae, which are proposed to be located in 3 sectors (4 panels per sector). The synthetic tree branches, colored to simulate real branches, will feature synthetic leaves. The branches will start from approximately 20 feet above ground level and crown at the top of the tree to a total height of 60 feet. The pole will be wrapped in a synthetic rubber material designed to resemble bark.

- 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 proposed on a heavy industrial property that does not have any residential dwellings on-site. The nearest residential properties are single-family homes located to the east of the subject property.

CONDITIONAL USE PERMIT NO. 934-13

Approval of a CUP is required for a freestanding Major Wireless Telecommunication 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 proposed use and development will be consistent with General Plan goals, which include promoting sustainable energy, communication, and other systems which meet the needs of the community.

- 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 approximately 88,875 square feet, rectangle-shaped, and relatively flat. The site is a SCE utility substation, located at the southwestern corner of two streets and surrounded mostly by developed industrial properties that are served by adequate infrastructure and utilities. Thus there are adequate utilities to provide and maintain service to the proposed use. The applicant intends to underground required power, telephone and other utility to their respective sources.

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

Access to the facility for routine maintenance or emergency repair is proposed from Griffith Street. The proposed facility will not impact traffic in the vicinity except possibly during the construction phase of the project and for the occasional maintenance vehicle.

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

This is an existing developed property owned and operated by SCE and water supply to the project site is adequate.

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

The proposed use will not negatively impact the vicinity of the subject site, in terms of parking, traffic, noise and safety. The intended character of the area is predominantly industrial with residential to the east and the proposed use is compatible with the area.

- 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 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 proposed facility is generally compatible with the existing uses within the MH-D zoning district both in terms of use and aesthetics. This infrastructure will significantly improve communication service in the area in terms of allowing greater capacity opportunities for carriers and their customers, and further enhance the general welfare of the public by requiring a stealth facility.



- 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. There are too many frequencies separating the various wireless service providers to cause any adverse effects. FCC licensed wireless service providers are prohibited from maintaining any interference with existing licensed communication uses, and must comply with all FCC emissions guidelines.

MAJOR EXCEPTION

The Zoning Ordinance allows the Planning Commission to consider of 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 new 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-D 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. 3):

- 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 proposed project is designed to resemble a pine tree to minimize aesthetic impact by architecturally integrate the proposed project with the surrounding environment.

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

- 1) None noted.

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 industrial property reasonably falls within this exemption category since no foreseeable significant impacts would result and does not have the potential for causing a significant effect on the environment and is found to be exempt.

V. Conclusion

The above analysis documents that the proposed major communications facility installation 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:

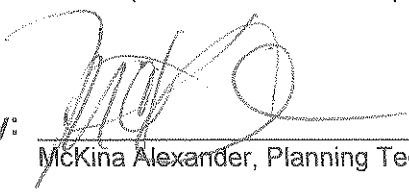
- **APPROVE** the Categorical Exemption;
- **APPROVE** Design Overlay No. 1498-13 and Conditional Use Permit No. 934-13, subject to conditions of approval attached as Exhibit "B" to the Resolution; and
- **WAIVE** further reading and **ADOPT** Resolution No. _____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1498-13 AND CONDITIONAL USE PERMIT NO. 934-13 FOR CONSTRUCTION OF A 60-FOOT-HIGH MAJOR COMMUNICATIONS FACILITY DISGUISED AS A PINE TREE (MONO-PINE) AND EQUIPMENT SHELTER ON A PROPERTY LOCATED AT 140U WEST GRIFFITH STREET."




VII. Exhibits

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


Prepared by:

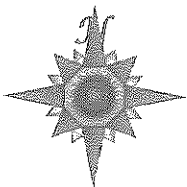
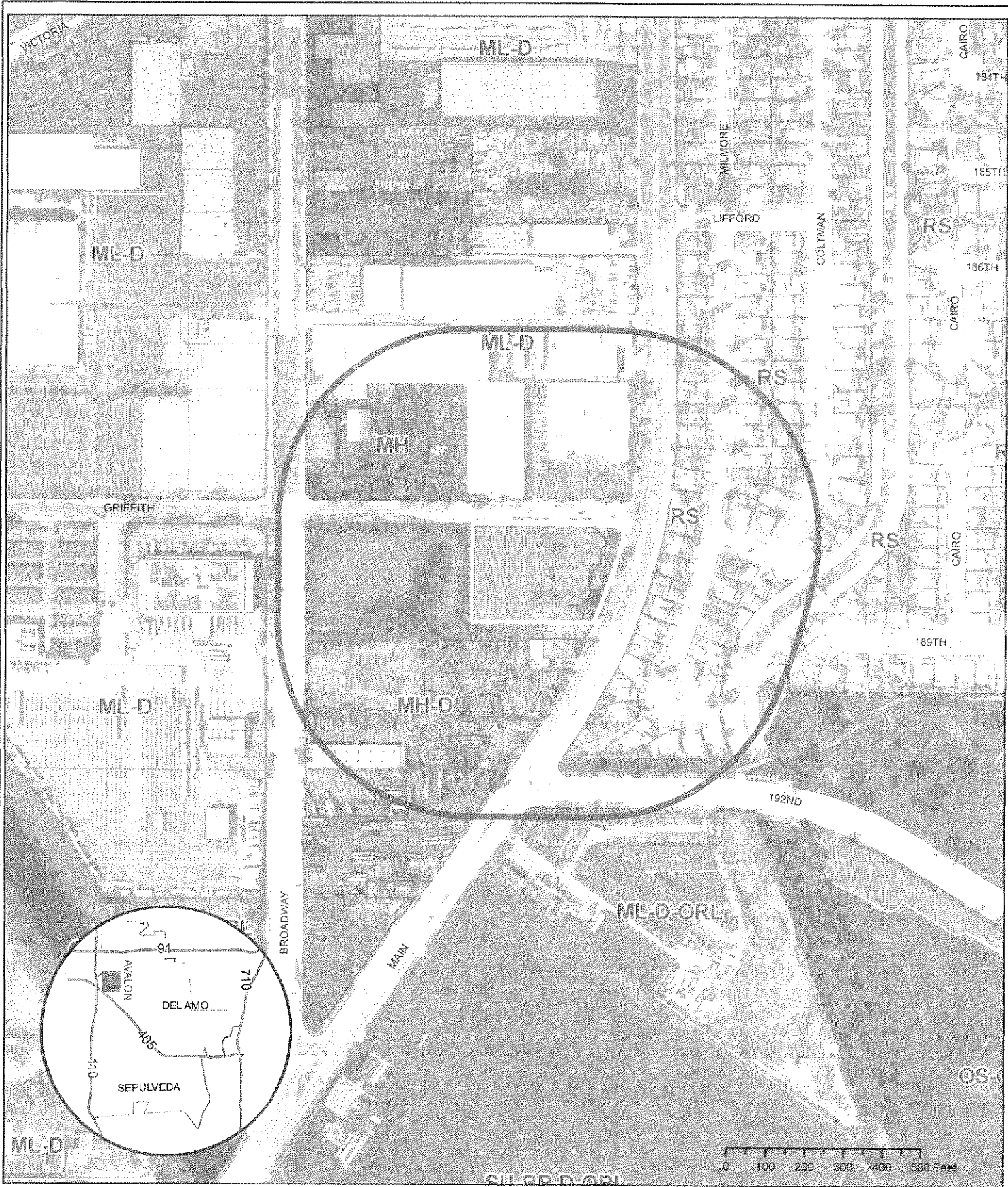

McKina Alexander, Planning Technician II

Reviewed by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp, Planning Officer



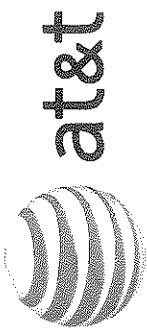
City of Carson EXHIBIT NO. 001
500 Foot Radius Map
140U West Griffith Street



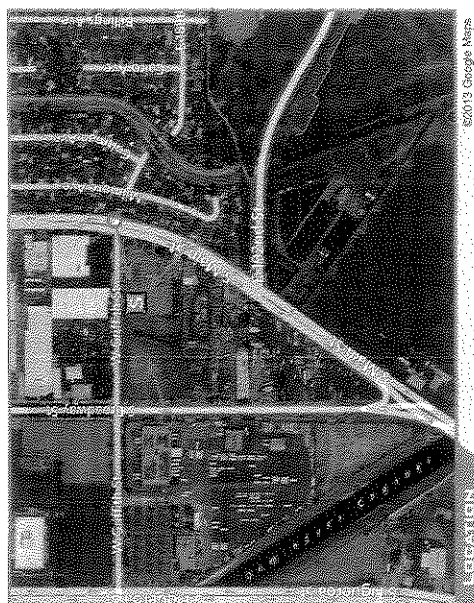
Date Printed: Tuesday, January 07, 2014
 K:\Planning\Addresses\Jackson_S102730\Doc 860-111
 Public Hearing Notices\ZoningMap.mxd

LA0573-02
NOLA SUBSTATION

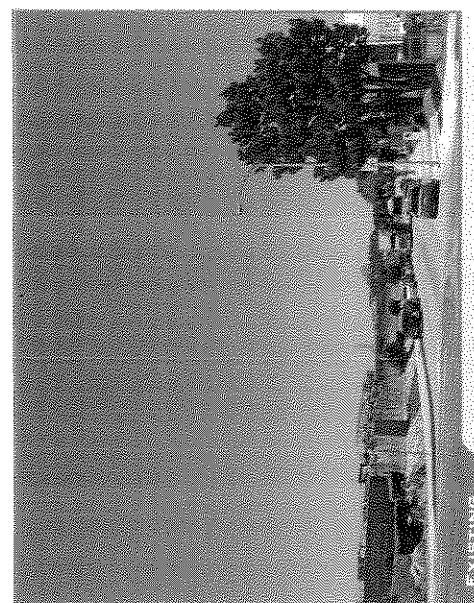
125 GRIFFITH STREET CARSON CA 90248



View 1



LOCATION



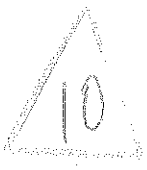
EXISTING



PROPOSED

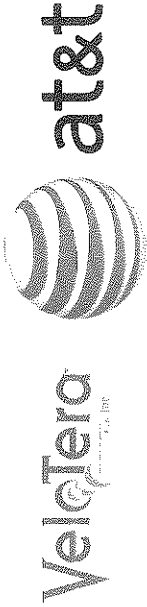
LOOKING SOUTHWEST FROM MAIN STREET

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

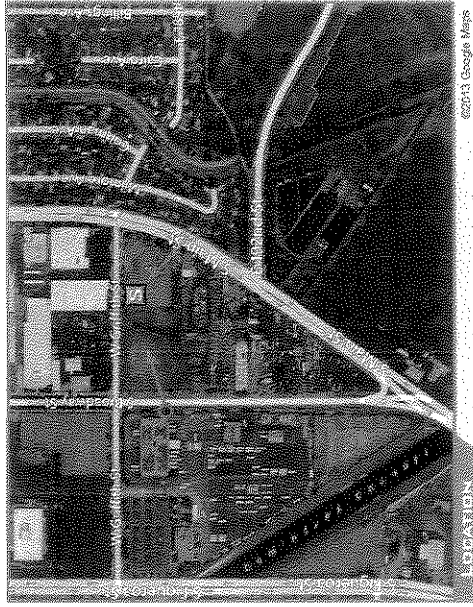


LA0573-02
NOLA SUBSTATION

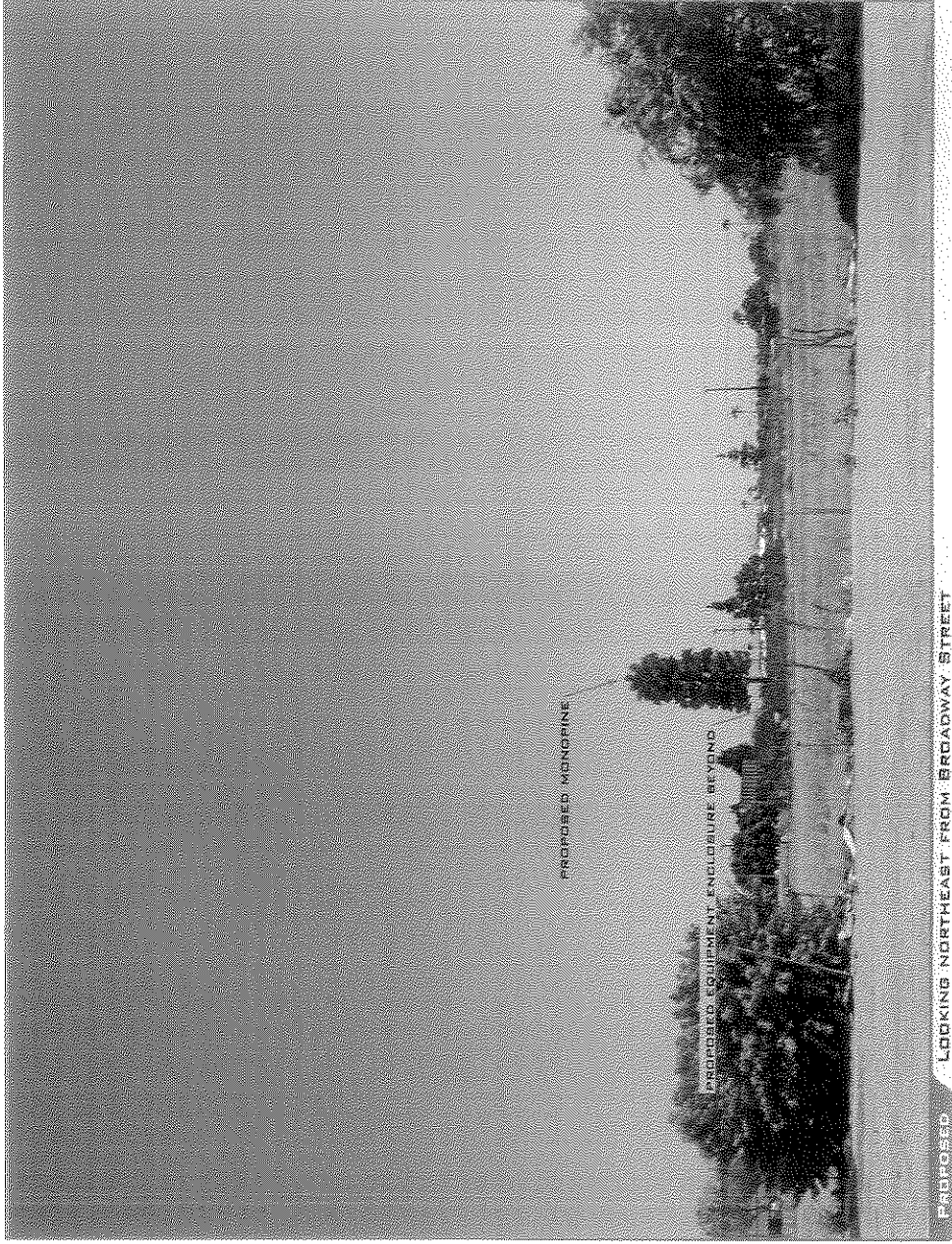
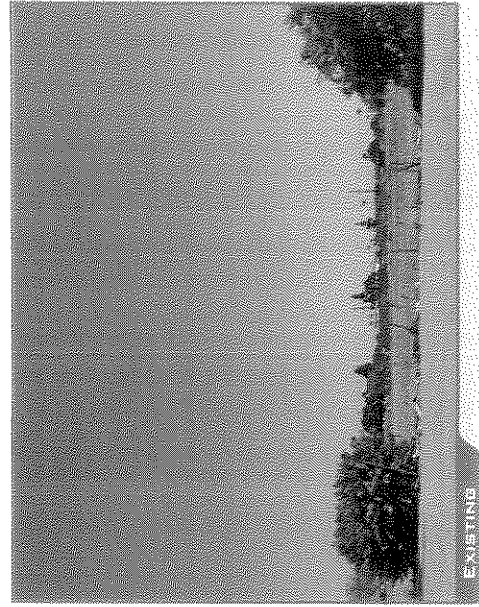
125 GRIFFITH STREET CARSON CA 90248



VIEW 2



©2013 Google Maps



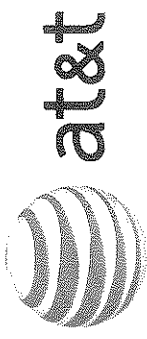
LOOKING NORTHEAST FROM BROADWAY STREET

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

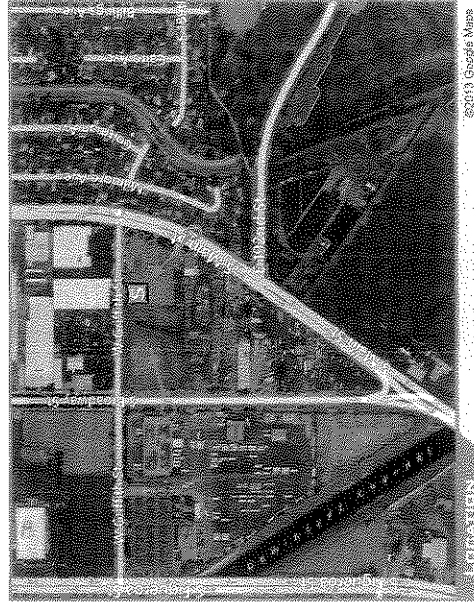


LA0573-02
NOLA SUBSTATION

125 GRIFFITH STREET CARSON CA 90248



VIEW 3

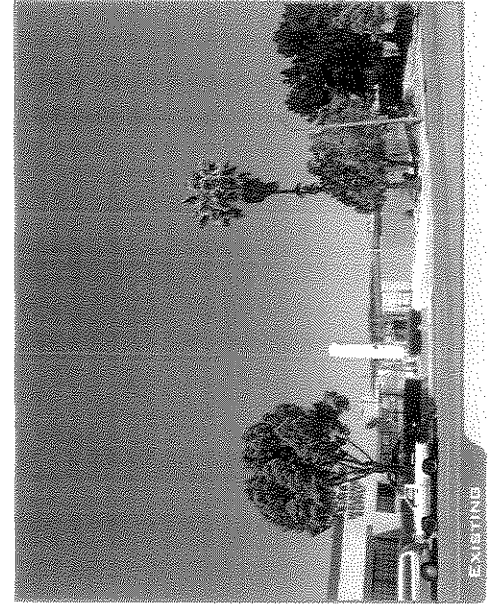


LOCATION

©2013 Google Maps



PROPOSED LOOKING NORTHWEST FROM MAIN STREET



EXISTING

ARTIST'S CONCEPT PHOTO. BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



PLANNING DEPARTMENT
(310) 952-1761

DEC 17 2013

CITY OF CARSON
701 E. CARSON ST.
CARSON, CA 90745

Conditional Use Permit No. 934-13
City of Carson
Wireless Communication Facility

SCE Substation
140U West Griffith Street
(APN: 7339-014-802)
Proposed AT&T Wireless Telecommunications Facility
Site Number LA0573

Section 9138.16(G)(1)(b) Findings:

(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 60-foot height proposed for this facility is ten feet higher than the code limit. The antennas are placed at the lowest functional height at this location as they are the new, more efficient eight-foot LTE type and the signal of the antennas and the function of the network would be compromised by the use of the shorter antennas used by other technologies. In addition, the new monopine structure will shield the appearance of the antennas and provide a balancing effect to the overall bulk and mass of the structure. Please also refer to the justification plots to also demonstrate the signal propagation.

(2) 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.

No existing nearby (1/4-mile radius) wireless communication facilities were identified, so no co-location opportunities were available. This facility has the least visually intrusive design.

(3) 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 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.

This application includes a set of signal propagation plots that demonstrate that the addition of the proposed facility at the 60-foot height fills the signal gap only up to the edge of the lesser signal strength. If the facility height was at 50 feet, the signal strength at the edges of this facility would not fill the significant gap in coverage. No hazard to aircraft will be presented by the 60 foot height.

The MH Zone has no height limit. However, Section 9138.16 creates a limit on such zoning allowances. The facility is no higher than allowances for utility-related structures within power substations. The facility is screened by the monopine and the surrounding area is populated with significant trees.

(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.

Placing the proposed facility down at the 50-foot height would significantly drop the ability of the facility to accomplish its objective to fill a significant gap in coverage. Placing the facility away from this parcel would bring it closer to existing facilities which would create interference issues with those facilities as well as degrading their ability to off-load connections onto the proposed facility. As such a drop in height and any relocation are not an option.

The height proposed for the antennas above 50 feet is ten (10) feet. The entire major exception allowance is 30 percent, or 15 feet in this instance. The applicant is not taking the entire allowance because the minimum operational height is met at the proposed height and the least visually intrusive design has been proposed. Please note that the use of a pole disguised as a pine tree requires that the overall pole height must be six feet higher than the antennas themselves as the camouflaging branches must be above the antennas for the design's sake. If not for the additional height required by the camouflaging branches, the facility would be 54 feet high which is only four feet higher than the maximum height. As the facility is appropriately screened by the monopine and placed as far from residentially zoned property, no property or any public will be materially affected by this facility.

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

The facility is located in an industrial zone on a parcel occupied by another utility use. The monopine screens the antennas so as to minimize the visual intrusion to the public. The placement at the far western edge of the parcel keeps it as far from residential properties as possible. The proposed monopine design incorporates the facility with the structure in which it will be mounted through use of material, color, and architectural design.

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

The MH Zone has no height limit. However, Section 9138.16 creates a limit on such zoning allowances. The facility is no higher than allowances for utility-related structures within power substations. With the facility screened by the monopine and the surrounding area populated with significant trees, the spirit and intent of the code is met.

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

As the facility is disguised as a pine tree to help it be the least visually intrusive design, that the facility is at the furthest point away from residential uses, and the zone allows utility-related structures to be at unspecified heights, granting the major exception will not be detrimental to the public welfare or injurious to properties or improvements in the vicinity.

Section 9138.16(H) Findings:

1. The proposed site is the least intrusive after considering co-location with another facility, other networks available such as distributed antenna systems, and location at another site. If located in the public right-of-way or on City-owned or leased property, the facility must meet the requirements of the Engineering Division.

The applicant considered co-location as it always does for the benefit it provides the carrier and the public. However, no sites for co-location were identified within the signal coverage objective area (see justification plots). A DAS would not meet the coverage and capacity objectives of the network and would greatly compromise the integrity of the network in this area. The subject property because of its compatible use (utility use with utility use) provides the ideal location to better reduce any visual intrusion. The monopine furthers this reduction to the least intrusive level possible.

2. The proposed communications facility will be aesthetically compatible, 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 stealth which incorporates the facility with the structure in which it will be mounted through use of material, color, and architectural design.

The facility is located in an industrial zone on a parcel occupied by another utility use. The monopine screens the antennas so as to minimize the visual intrusion to the public. The placement at the far western edge of the parcel keeps it as far from residential properties as possible. The proposed design incorporates the facility with the structure in which it will be mounted through use of material, color, and architectural design.

The entire substation facility is surrounded by a chain-link fence. This material is generally appropriate aesthetically for an industrial district. The introduction of a new material will create a more visually intrusive design at this location. In addition, however, the landlord, a public utility, objects to any change to a different material for uniformity and security purposes.

3. The proposed communications facility is not located on any residential dwelling or on any property which contains a residential dwelling, or any property wherein a person resides, except as may be associated with a church, temple, or place of religious worship.

There are no residences located at this property. The placement at the far western edge of the parcel keeps the facility as far from residential properties as possible.



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1498 AND CONDITIONAL USE PERMIT NO. 934-13 FOR CONSTRUCTION OF A 60-FOOT-HIGH MAJOR COMMUNICATIONS FACILITY DISGUISED AS A PINE TREE (MONO-PINE) AND EQUIPMENT SHELTER ON A PROPERTY LOCATED AT 140U WEST GRIFFITH 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, Velotera Services on behalf of AT&T, with respect to real property located at 140U West Griffith Street and described in Exhibit "A" attached hereto, requesting approval to construct a 60-foot-high, major communications facility disguised as a pine tree (mono-pine) on a 88,875-square-foot lot in the MH-D (Manufacturing, Heavy – Design Overlay) zoning district.

A public hearing was duly held on January 28, 2014, at 6:30 P.M. at Carson City Hall, Helen Kawagoe 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. Pursuant to the following Section 9172.23(D), Site Plan and Design Review – Approving Authority Findings and Decision; Section 9172.21(D) – Commission Findings and Decision; Section 9143 – Conditional Use Criteria; and Section 9138.16(H) – Required Findings of the Carson Municipal Code, the Planning Commission finds that:

- a) The subject property is approximately 88,875 square feet and is designated Heavy Industrial within the Land Use Element of the General Plan. The subject property is located in the northwestern area of the City of Carson, on the southwestern corner of Griffith Street and Main Street. There are no specific plans for the area. The adjacent properties to the west and south have a General Plan designation of Heavy Industrial, to the north are Light and Heavy Industrial properties, and to the east across Main Street are residential properties. The proposed use is a permitted use in the MH-D zoning district with approval of a conditional use permit (CUP) and will be compatible with the surrounding uses in that it will not significantly impact the adjacent properties in terms of noise, dust, odor, aesthetics or other environmental considerations. The proposed project is appropriate as it will not alter the intended industrial use (utility substation) of the subject property.
- b) The proposed mono-pine and equipment shelter will occupy a 17-foot by 30-foot lease area in the western portion of the property along Griffith Street. The property is generally rectangular in shape and has landscaping and trees located along the easterly property line. Southern California Edison (SCE) owns the property and operates the substation and transmission towers. The property is paved and does not have parking since the substation is unmanned except for occasional maintenance. Stealthing of the proposed facility as a pine tree lessens the aesthetic impacts, thus helping to blend into the environment.

Section 4. The Planning Commission further finds that the proposed installation of a major communications facility on a developed industrial property is categorically exempt, pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), because it reasonably falls within this exemption category since no foreseeable significant impacts would result.

Section 5. Based on the aforementioned findings, the Commission hereby grants Design Overlay Review No. 1498-13 and Conditional Use Permit No. 934-13 with respect to the property 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 unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 28th DAY OF JANUARY, 2014.

CHAIRMAN

ATTEST:

SECRETARY

EXHIBIT "A"

All that certain real property situated in the County of Los Angeles, State of California, described as follows:

Parcel 1 of Parcel Map No. 15195, in the City of Carson, County of Los Angeles, State of California, as per map filed in Book 163, Page 47 of Parcel Maps, in the Office of the County Recorder of said County.

Except therefrom an undivided one-half interest in and to all oil, gas, minerals and other hydrocarbon substances in, on, or under said land but without the right of surface entry thereto as reserved by Daniel Rubenstein and Sadie Rubenstein, his wife and David Rubenstein and Deana Rubenstein, his wife, in the deed recorded on July 12, 1955, in Book 48325, Page 26, of Official Records.

Assessor's Parcel Number: **7339-014-802**



CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 1498-13
CONDITIONAL USE PERMIT NO. 934-13

GENERAL CONDITIONS

1. If a building permit plan check submittal proposing the implementation of Design Overlay Review No. 1498-13 and Conditional Use Permit No. 934-13 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. Precedence of Conditions. If any of the Conditions of Approval alter a commitment made by the applicant in another document, the conditions enumerated herein shall take precedence unless superseded by a Development Agreement, which shall govern over any conflicting provisions of any other approval.
10. City Approvals. All approvals by City, unless otherwise specified, shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
11. Deposit Account. A trust deposit account shall be established for all deposits and fees required in all applicable conditions of approval of the project. The trust deposit shall be maintained with no deficits. The trust deposit shall be governed by a deposit agreement. The trust deposit account shall be maintained separate from other City funds and shall be non-interest bearing. City may make demands for additional deposits to cover all expenses over a period of 60 days and funds shall be deposited within 10 days of the request therefore, or work may cease on the Project.
12. The 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, or in any way related to the approval of the City, its advisory agencies, appeal boards, or legislative body concerning Design Overlay Review No. 1498-13 and Conditional Use Permit No. 934-13. 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. The applicant shall provide a deposit in the amount of 100 percent of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney's fees, and shall make additional deposits as requested by the City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If the applicant fails to provide or maintain the deposit, the City may abandon the action and the applicant shall pay all costs resulting therefrom and the City shall have no liability to the applicant.

PARKING

13. All driveways shall remain clear. No encroachment into driveways shall be permitted.

AESTHETICS

14. The specification of all colors and materials and texture treatment must be submitted and approved by the Planning Division prior to the issuance of any building permits.
15. The major communications facility shall not exceed 60 feet in height, up to and including the faux branches and leaves.
16. All electrical and Telco wiring shall be placed underground as noted in the approved drawings.
17. The ground equipment enclosure(s) shall be compatible with the architectural design of the property.
18. The main support structure (pole) for the major communications facility shall be coated with a synthetic rubber material resembling tree bark, subject to approval by the Planning Officer. All other supporting structure(s) shall be painted a non-glossy, neutral color, subject to approval by the Planning Officer.
19. Graffiti shall be removed from all project areas within 3 days of written notification by the City of Carson. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Commission for review and further consideration of site modifications (i.e., fencing, landscaping, chemical treatment, etc.).

SIGNS

20. The display of any sign or any other graphic on a communications 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.



LANDSCAPE

21. Additional landscape screening is not proposed on-site because SCE does not permit new landscaping planted in or adjacent to SCE transmission tower and substation facilities due to possible outages caused by falling fronds and/or branches. As a result, additional and/or replacement landscaping within the parkways along Griffith Street shall be required, if necessary, subject to review and approval by the Planning Division and City Engineering. This includes missing or damaged street trees.

FENCES/WALLS

22. All fences, walls and hedges shall be located and constructed in compliance with the standards as provided for in Section 9136.3 (commercial zones) or Section 9146.3 (industrial zones) of the Zoning Ordinance.

LIGHTING

23. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9147.1 (Industrial Zones) of the Zoning Ordinance.

NOISE

24. All major communication facilities shall be constructed and operated in such a manner as to meet the requirements of the Noise Ordinance.
25. Backup generators shall only be operated during power outages and for testing and maintenance purposes.

BUILDING AND SAFETY

26. Submit for plan check, obtain all building permits and approved final inspection for proposed project.
27. 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

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

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

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

29. If needed, easements shall be granted to the City, appropriate agency, or entity for the purposed ingress, egress, construction and maintenance of all infrastructures constructed and handicap access for this development to the satisfaction of the City Engineer and/or appropriate agency or entity.



30. 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.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

31. Per section 6310 of the Carson Municipal Code, all parties involved in the construction of the mono-pine telecommunication facility to be located at 140U West Griffith Street including but not limited to contractors and subcontractors, will need to obtain a City Business License.

OTHER

32. 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 major modifications, the Planning Commission shall be the approval authority.

