



## CITY OF CARSON

### PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: March 11, 2014

SUBJECT: Design Overlay No. 1516-13 and Conditional Use  
Conditional Use Permit No. 946-13

APPLICANT: Sprint  
Attention: Karri Keeble of Sure-Site Consulting  
Group

REQUEST: To approve an existing legal non-conforming 76-  
foot-high major wireless communications facility  
(monopole) on a property located in the ML  
(Manufacturing, Light) zoning district.

PROPERTY INVOLVED: 17222 South Figueroa Street

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#### 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*

Karri Keeble  
Sure-Site Consulting Group for Sprint Wireless  
5955 De Soto Avenue No. 142  
Woodland Hills, CA 91367  
[k.keeble@sures-site.com](mailto:k.keeble@sures-site.com)

### *Property Owner*

S.F.I., Ltd. LP  
25550 Hawthorne Boulevard, Suite No. 310  
Torrance, CA 90505

### *Project Address*

17222 Figueroa Street

### *Project Description*

The applicant, Karri Keeble of Sure-Site Consulting Group represents Sprint Wireless and is requesting approval of Design Overlay Review (DOR) No. 1516-13 and Conditional Use Permit (CUP) No. 946-13 to permit an existing legal, non-conforming 76-foot-high monopole located at 17222 S. Figueroa Street.

The subject property is located in the ML (Manufacturing, Light) zoning district and has a General Plan Land Use designation of Light Industrial. The existing monopole is setback over 70 feet from the front property line.

## II. Background

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

The 4-acre subject property is located north of the 91 (Artesia) Freeway within a predominantly industrial area, in the northwest area of the City. The property is an irregular shaped, relatively flat through lot fronting both Figueroa Street (west) and Walnut Street (east). The site is developed with three large, multi-tenant industrial buildings and off-street parking. (Exhibit No. 1)

The monopole is located towards the front of the subject property facing Figueroa Street and associated equipment cabinets are located inside Building 17218 within a 507-square-foot lease area.

In 1993, a 75-foot AT&T steel monopole was permitted on-site and its related equipment enclosure built within building 17218. In 2005, Sprint facility was permitted to collocate at the top of the existing monopole and its related equipment installed inside building 17218 within the same lease area.

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. 1516-13 and CUP No. 946-13 for the existing monopole and major modification to the communications facility. The request includes approval of a major height exception for the existing 76-foot monopole. The existing monopole exceeds the major 65-foot height exception by 11 feet.

*Previously Approved Discretionary Permits*

There are no previously approved discretionary permits on record.

*Public Safety Issues*

There is no open code enforcement case.

### III. Analysis

There are two wireless communications providers located on the existing monopole: Sprint and AT&T. The monopole was constructed with AT&T facility located at the bottom (57-foot-high mark on the monopole) with related equipment cabinets inside building 17218 within an enclosed lease area. Sprint antennas were installed years later as a collocation at the 76-foot-high mark on the monopole consisting of three sectors, six, 51-inch-high antennas (2 antennas per sector) and associated equipment within an enclosed lease area inside building 17218.

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 that provides wireless service for the general vicinity for over 15 years, reduce the amount of Sprint antennas from six to three (1 antenna per sector) and bring the facility closer to the pole. Staff believes approval of the existing monopole can be supported due to similar findings: the monopole is located within an industrial center and is integrated with the surrounding industrial properties consisting of large buildings. Though the monopole is not stealth, staff believes bringing the facility closer to the pole offers some stealthing effort.

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. 1516-13

The Planning Commission may approve Design Overlay Review No. 1516-13 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 Light Industrial within the Land Use Element of the General Plan. The industrial properties within the area consist of office, warehouse and manufacturing uses and are designated Heavy and Light Industrial. The project site is located in the northwest area of the City. There are no specific plans for the area. The existing use is a permitted use in the ML 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 is setback over 70 feet from the front property line and can be seen from the street. Its related equipment occupies an approximately 508-square-foot lease area inside building 17218 S. Figueroa Street. The property is generally a trapezoid in shape and has trees located along Figueroa Street and Walnut Street property lines. The balance of the property is paved with little landscape, and no parking is affected. The applicant proposes to reduce the number of antennas from six to three and bring the facility closer to the pole to lessen the aesthetic impact.

- 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 the Planning Commission may approve greater height limits for existing lawfully erected facilities provided there is no expansion or intensification to the facility. As such, the 76-foot-high 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 20 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 over 70 feet from the front property line on a 4-acre industrial property. The applicant's proposal includes modifying the Sprint facility by reducing the existing antennas from six to three and bringing the facility closer to the pole as a minimum stealth approach and more compatible with the industrial complex. Additionally, there are adequate landscape along Figueroa Street and Walnut Street adjacent with large industrial properties consisting of large buildings which minimize the visual impact of the monopole.

- c. The proposed wireless telecommunication facility is not located on any residential dwelling or on any property which contains a residential dwelling, except as may be associated with a church, temple, or place of religious worship.

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. 946-13**

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 is an industrial multi-tenant complex within a General Plan Land Use designation of Light 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 4-acre, trapezoid shape and flat, industrial site. It is located off two developed streets and 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 ML 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. The Planning Commission has a precedence approving other industrial properties consisting of existing lawfully erected major communications facilities exceeding the maximum major exception height of 65 feet provided there is no expansion or intensification to the facility. The subject project remains at its permitted height with modifications to lessen the visual impact so a total height of 76 feet is allowed if the Planning commission approves the 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 76-foot-high 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 and has the discretion to approve greater height limits for existing lawfully erected facilities provided there is no expansion or intensification to the facility. The existing monopole is surrounded by large industrial properties and with the modification to the Sprint facility the aesthetic impact is lessened. Staff believes the existing monopole integrate 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 between Figueroa Street and Walnut Street near the 91 (Artesia) and 110 Freeways. Though Figueroa Street is well 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 including various industrial uses along Figueroa Street, the visibility of the monopole from that vantage point is limited. The applicant proposes to modify the facility to further obscure its visibility.

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 large buildings, existing 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 76-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. 1516-13 and Conditional Use Permit No. 946-13, 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. 1516-13 AND CONDITIONAL USE PERMIT NO. 946-13 TO PERMIT AN EXISTING LEGAL, NON-CONFORMING 76-FOOT-HIGH MAJOR WIRELESS COMMUNICATIONS FACILITY ON A PROPERTY LOCATED AT 17222 S. FIGUEROA STREET."

**VII. Exhibits**

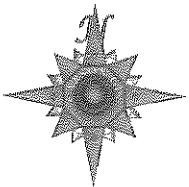
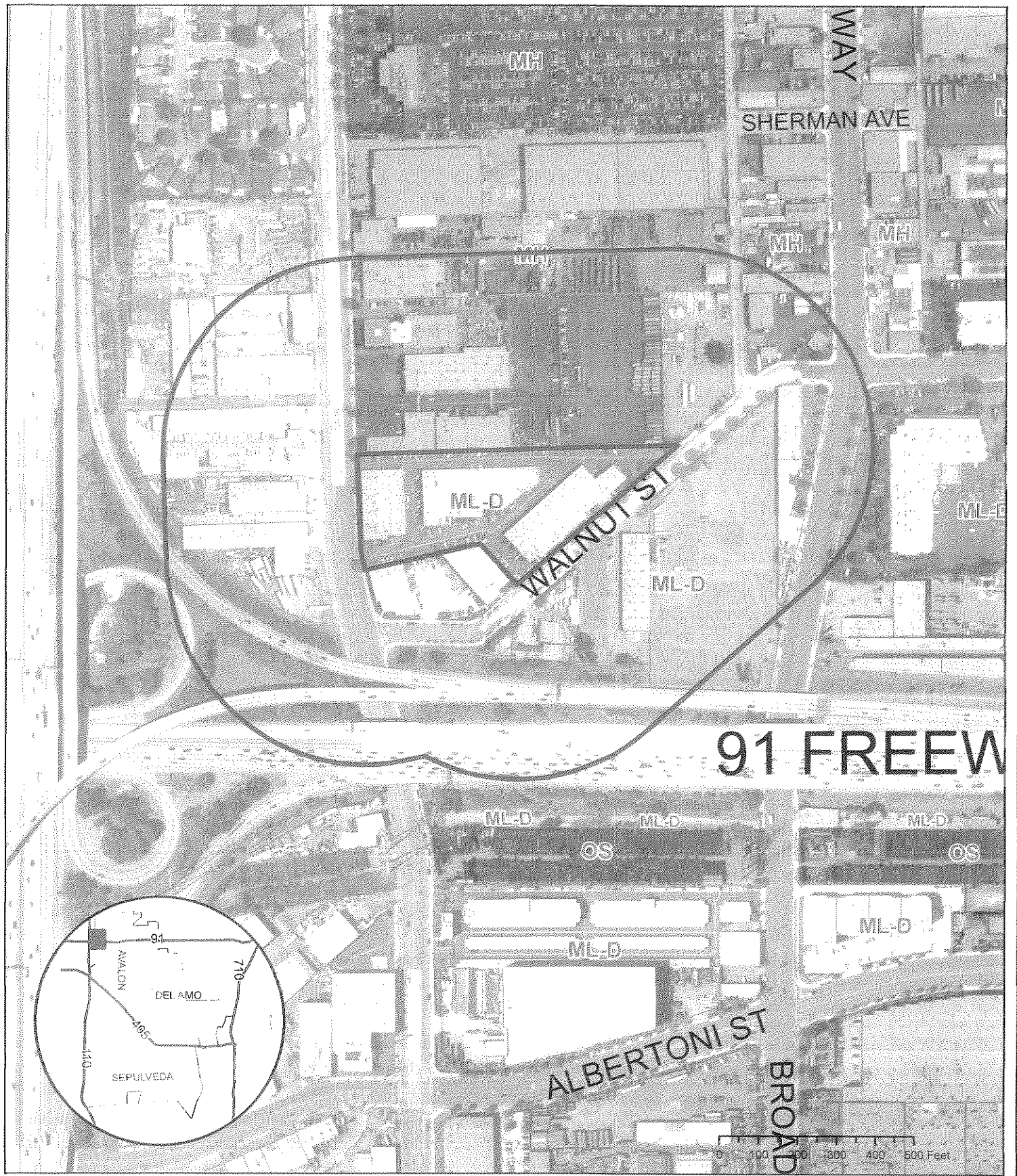
1. Land Use Map
2. Major Exception Justification Study
3. Local Facilities Map
4. Resolution
5. Development Plans (Submitted under separate cover)

Prepared by: \_\_\_\_\_

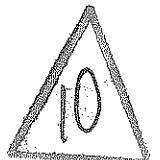
McKina Alexander, Planning Technician II

Reviewed and approved by: \_\_\_\_\_

John F. Signo, AICP, Senior Planner



City of Carson EXHIBIT NO. 01  
500 Foot Radius Map  
17222 Figueroa St



Finding for Additional Height

Section 9138.16Gb-H

**b. Major Exceptions.** The design standards for setbacks and height listed in subsection F of this Section may be modified by not more than thirty (30) percent.

**(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 proposed modification is to an existing telecommunications facility permitted by-right in 2001 establishing the use and height of the 75' monopole, prior to the City adopting its telecom ordinance in 2003, which now has established a 50' height limit on facilities. In February 2012, President Obama signed the Tax relief Act into law, which included section 6409 which in short states that all modification and colocations that are minor in nature must be approved and may not be denied.

In addition to establishing the height in 2001 by permit, propagation maps are provided.

**(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.**

This facility was established in 2001.

**(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.**

The monopole height has already been establish and permitted, no additional height is being requested.

**(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.**



The height has already been established and Sprints application is to modify the antennas at the established height. To comply with the ordinance that was established after the use is an unreasonable financial hardship to place on the applicant, In addition, the new Federal legislation states that the modification must be approved.

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

The existing height will not be altered, nor will the architectural features of the pole will be altered. In addition, this tower is in a Heavy Manufacturing Zone.

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

The existing facility is in a Heavy Manufacturing zone and not adjacent to residential. The free-standing monopole is consistent with the spirit and intent of the code. Other uses in the MH zone do not have a height limit.

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

Sprint Nextel's modifications will not in any way be a detrimental impact on the surrounding property. This facility will not impair the use or enjoyment of, or be otherwise injurious to, property in the immediate vicinity because there is no one located in the immediate vicinity, the upgrade is minimal, and the equipment cabinet will be located in the existing equipment area. Furthermore, the facility will not emit smoke, debris, noise, or any other type of nuisance. For these reasons, the facility is practically undetectable to the casual observer. However, enhanced wireless communications will have a positive influence on personal, business, governmental and other existing uses in this area.

**H. Required Findings. In addition to the provisions of CMC 9172.21 and 9172.23, the Planning Division or Planning Commission shall approve a development plan and conditional use permit for a communications facility if affirmative findings can be made based upon the following criteria:**

**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.**

Removing and replacing antennas on the existing tower is the least invasion way to provide LTE service to the surrounding neighborhood.



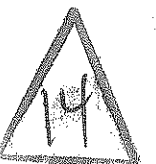
2. The proposed communications facility will be aesthetically compatible, located and designed to minimize the visual impact on surrounding properties and from public streets, including adequate screening through the use of landscaping that harmonize with the elements and characteristics of the property and/or stealth which incorporates the facility with the structure in which it will be mounted through use of material, color, and architectural design.

N/A – This is an existing facility, requesting minor antenna change outs and equipment upgrades.

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.

The existing facility is in a Heavy Manufacturing zone, and not adjacent to residential.





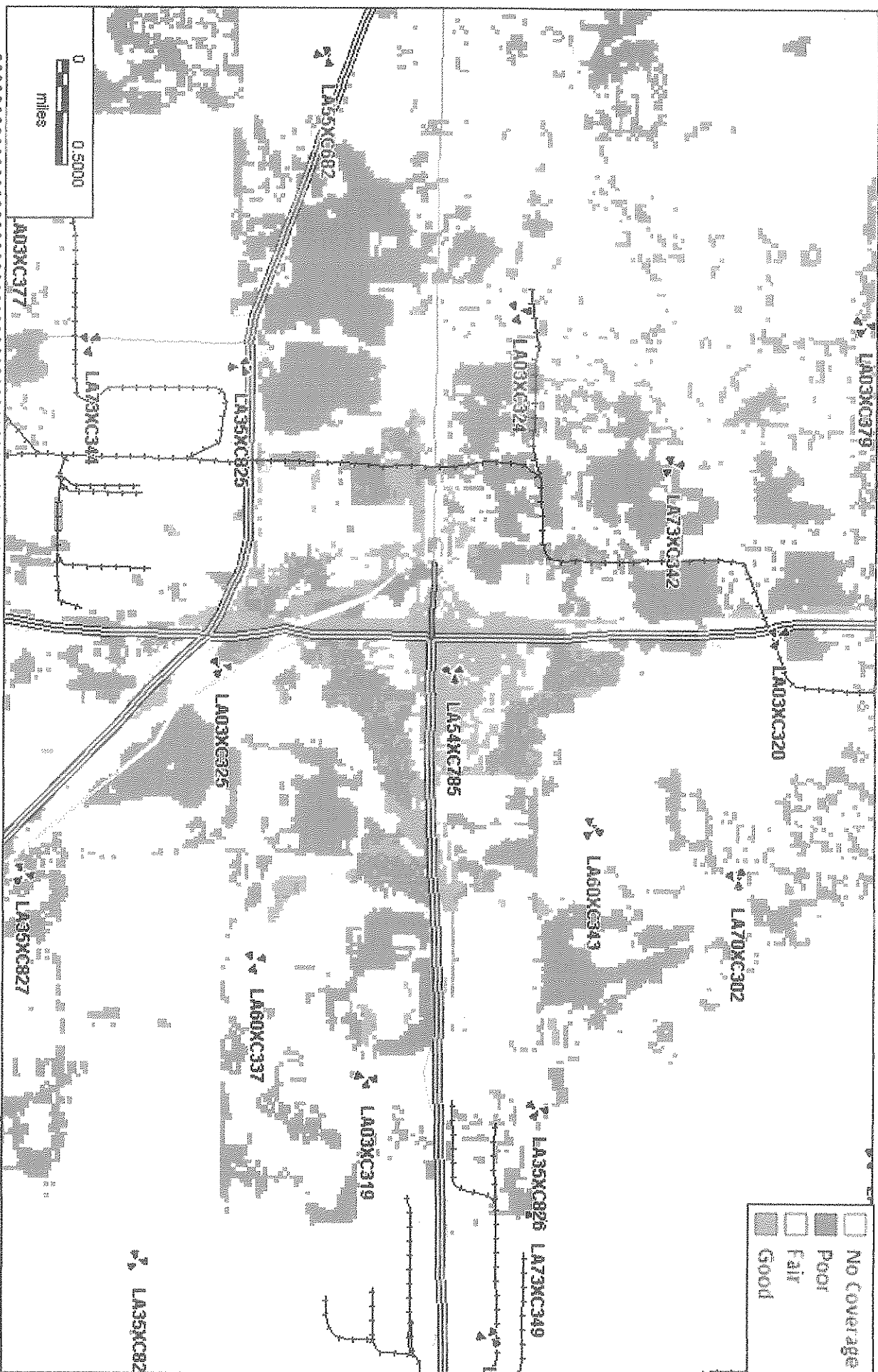
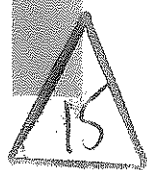
# LA54XC785 Propagation Map

EXHIBIT NO. 03

CONFIDENTIAL. ALL RIGHTS RESERVED.

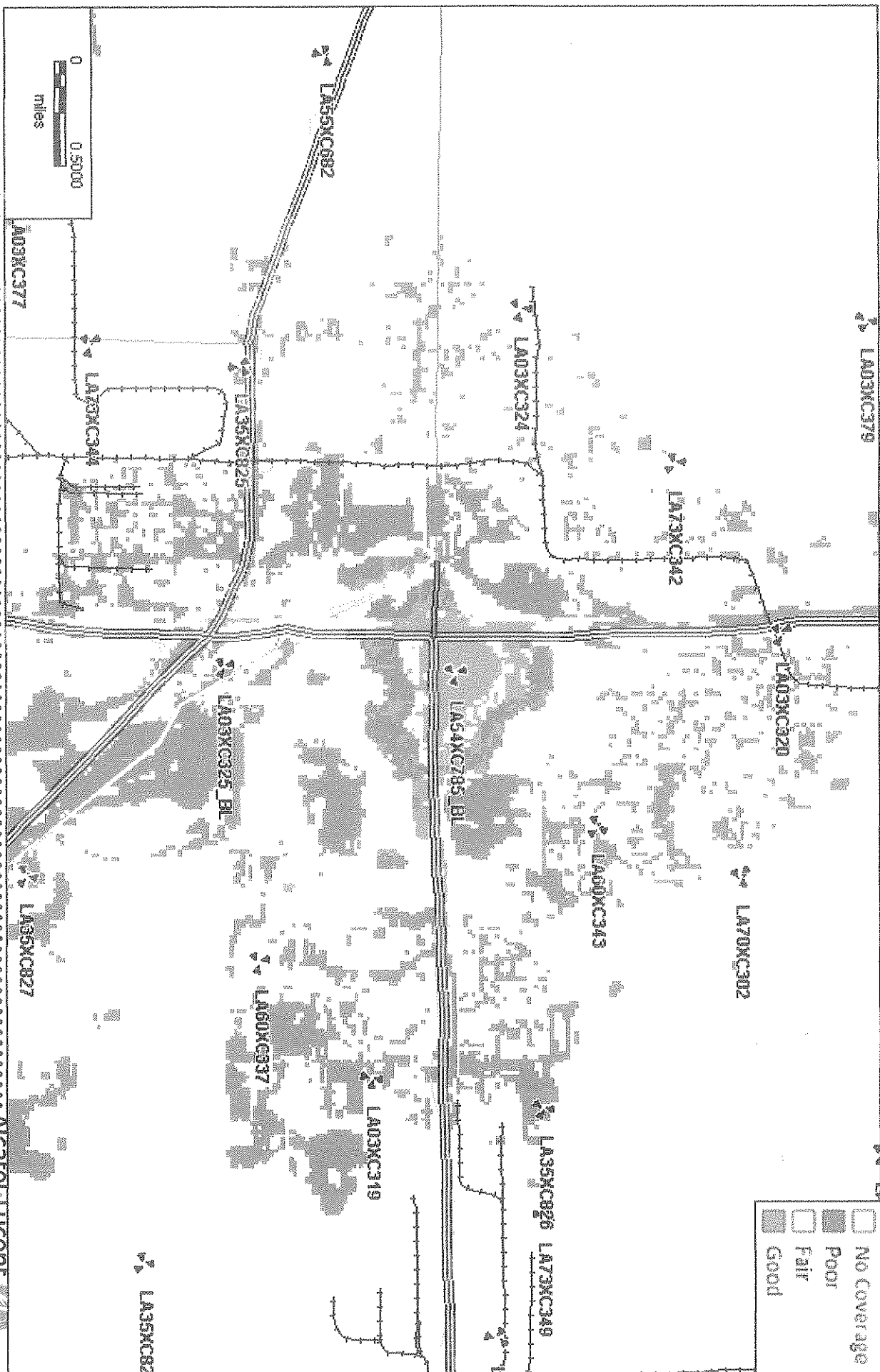


# LA54XC785 single site Coverage map : Network Vision





# LA54XC785 single site Coverage map : Legacy Configuration





**CITY OF CARSON**  
**PLANNING COMMISSION**  
**RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1516-13 AND CONDITIONAL USE PERMIT NO. 946-13 TO PERMIT AN EXISTING LEGAL, NON-CONFORMING 76-FOOT-HIGH MAJOR WIRELESS COMMUNICATIONS FACILITY (MONOPOLE) ON A PROPERTY LOCATED AT 17222 S. FIGUEROA STREET**

**THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:**

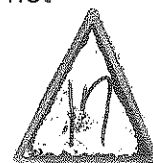
**Section 1.** An application was duly filed by the applicant, Karri Keeble of Sure-Site Consulting on behalf of Spring, with respect to real property located at 17222 S. Figueroa Street, and described in Exhibit "A" attached hereto, approving Design Overlay Review No. 1516-13 and Conditional Use Permit No. 946-13 for an existing 76-foot-high major wireless communications facility (monopole) on a developed property in the ML (Manufacturing, Light) zoning district.

A public hearing was duly held on March 11, 2014, at 6:30 P.M. at 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.** The Planning Commission finds that:

- a) The General Plan designates the property as Light Industrial which is consistent with the subject property zoning designation of ML (Manufacturing, Light). The continued use and development of the existing monopole is consistent with the neighboring industrial uses, promotes sustainable communication systems that meet the needs of the community and is appropriate for the subject property as proposed.
- b) Modification to the Sprint facility includes bringing the facility closer to the pole, reducing the number of antennas from six to three on three sectors (one antenna per sector) which makes the project more 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 a large industrial site with adequate shape, topography, location, and utilities to accommodate the proposed use and development. The surrounding land uses are primarily industrial thus the proposed project is more 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. Adequate access is provided to the site from Figueroa Street and Walnut Street. Safety and convenience of vehicular and pedestrian access is provided with the on-site driveway.

- e) The existing monopole is setback over 70 feet from the front property line and can be seen from the street. Its related equipment occupies an approximately 508-square-foot lease area inside building 17218 S. Figueroa Street. The property is generally a trapezoid in shape and has trees located along Figueroa Street and Walnut Street property lines. The balance of the property is paved with little landscape, and no parking is affected. The applicant proposes to reduce the number of antennas from six to three and bring the facility closer to the pole to lessen the aesthetic impact.
- f) 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.
- g) 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. The Planning Commission may approve greater height limits for existing lawfully erected facilities provided there is no expansion or intensification to the facility. The Planning Commission finds the existing height does not result in a degradation of the environment or be visually obtrusive to the surrounding area.
- h) Apart from the required safety, directional or informational signs, no product advertising signs are proposed for the project.
- i) 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.
- j) The monopole has been operating on-site for 20 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.
- k) 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 is an industrial multi-tenant complex within a General Plan Land Use designation of Light Industrial. The existing monopole is a permitted use and is consistent with the surrounding development.
- l) The subject property is a developed 4-acre, trapezoid shape and flat, industrial site. It is located off two developed streets and 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.

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

**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. 1516-13 and Conditional Use Permit No. 946-13 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 11<sup>th</sup> DAY OF MARCH, 2014

\_\_\_\_\_  
CHAIRMAN

ATTEST:

\_\_\_\_\_  
SECRETARY



**CITY OF CARSON**  
**COMMUNITY DEVELOPMENT**  
**PLANNING DIVISION**  
**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**DESIGN OVERLAY REVIEW NO. 1516-13**  
**CONDITIONAL USE PERMIT NO. 946-13**

**GENERAL CONDITIONS**

1. Obtain a building permit and approved final inspection for the modification.
2. If the implementation of Design Overlay Review No. 1516-13 and Conditional Use Permit No. 946-13 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. A modification of the conditions of this permit, including additions or deletions may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
10. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.
11. 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.
12. 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.
13. 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.
14. 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, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Design Overlay Review No. 1516-13 and Conditional Use Permit No. 946-13. 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.

## PLANNING

15. All parking areas and driveways shall remain clear and maintained. No encroachment into parking areas and/or driveways shall be permitted.
16. The wireless telecommunication facility shall not exceed the existing height of 76 feet.
17. 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.
18. All wireless communications facilities shall be constructed and operated in such a manner as to meet the requirements of the Noise Ordinance.
19. Backup generators shall only be operated during power outages and for testing and maintenance purposes.
20. 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.
21. The City reserves the right to bring the project back for review and consideration should Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 be modified or repealed. However, the City agrees that should said law be repealed or modified, the City will wait a minimum of 3 years, from the date of the Planning Commission approval, prior to bringing the project back for review and reconsideration. In the event the law is repealed or modified after said 3 year period, the City may bring back the project for review and reconsideration at any time.
22. A faithful performance bond shall be submitted to ensure compliance with City codes and standards, and the removal of abandoned antennas or facilities.



### **BUILDING AND SAFETY**

23. 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**

24. Battery backup and storage areas shall be constructed and maintained in compliance with Article 64 of the uniform Fire Code (UFC).
25. 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**

26. 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**

27. Per section 6310 of the Carson Municipal Code, all parties involved in the operation of the existing communications facility located at 17222 Figueroa Street, including but not limited to contractors and subcontractors, will need to obtain a City Business License.

