



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: March 11, 2014

SUBJECT: Modification No. 1 to Design Overlay No. 641-96
and Conditional Use Conditional Use Permit No.
910-12

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

REQUEST: To approve an existing fifty-foot-high major
communications facility attached to a business
pole sign and its related equipment on a property
located in the ML-D (Manufacturing, Light –
Design Overlay) zoning district.

PROPERTY INVOLVED: 19019 Anelo Avenue

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. 11B

I. Introduction

Applicant

Karri Keeble
Sure-Site Consulting Group for Sprint Nextel
5955 De Soto Avenue No. 142
Woodland Hills, CA 91367
k.keeble@sures-site.com

Property Owner

Michael Brown
Brown Family Trust
19019 Anelo Avenue
Carson, CA 90248

Project Address

19019 Anelo Avenue

Project Description

The applicant, Karri Keeble of Sure-Site Consulting Group represents Sprint Nextel and is requesting approval of Modification No. 1 to Design Overlay Review (DOR) No. 641-96 and Conditional Use Permit (CUP) No. 910-12 to permit an existing legal, non-conforming 50-foot-high major communications facility attached to a business pole sign located at 19019 Anelo Avenue.

The subject property is located in the ML-D (Manufacturing, Light – Design Overlay) zoning district and has a General Plan Land Use designation of Light Industrial. The existing monopole and its associated ground mounted equipment encroaches within the front yard setback adjacent to Anelo Avenue.

II. Background

Existing Site Location/Current Use of Property

The small, triangular, 0.13-acre subject property is located in the north-west area of the City bounded by the Dominguez Channel (north), 405 Freeway (south), 110 Freeway (east) and Figueroa Street (west). (Exhibit No. 1) The site consists of a two-story industrial building with two, attached 2-car garages, four off-street parking spaces and a communications facility attached to a 50-foot-high defunct business pole sign and its ground mounted equipment within a chain-link enclosure are located in the northeast area of the lot. The existing monopole consists of three sectors and twelve (12) antennas. Based from Design Overlay Review No. 641-96 records, the chain-link enclosure is required to be screened by flowering vines. Though the business sign was approved to assist with stealth of the facility, it advertises a former company and will need to be either removed or refaced with the current business name.



North of the site are larger industrial and manufacturing properties, a horticulture nursery is east, south-east are large high voltage power transmission towers and across Anelo Avenue (south-east) is a large industrial property housing a classic car museum and store. The subject property and the nearby properties are located within the ML-D (Manufacturing, Light – Design Overlay) zoning district.

In 1997, the Planning Commission approved discretionary permits Design Overlay and Variance No. 395-96 Review No. 641-96 to construct a 50-foot-high tapered communications facility (monopole) with a business sign attached as a pole sign and the facility's associated ground-mounted equipment located within the front yard setback. In 2000, the appropriate permits were issued to modify the Sprint facility (remove and replace three antennas). The monopole consists of three (3) sectors with twelve (12) antennas (4 antennas per sector).

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 Modification No. 1 to DOR No. 641-96 and CUP No. 910-12 for the existing monopole and major modifications to the communications facility. The request includes approval to remove twelve existing antennas, replace with three antennas and bring the facility closer to the pole to provide a stealth approach to the monopole.

Previously Approved Discretionary Permits

Design Overlay Review No. 641-96 and Variance No. 395-96

On April 8, 1997, the Planning Commission approved construction of a fifty-foot-high communications facility with an existing business sign attached at the 35-foot-high mark of the pole and ground-mounted equipment to encroach within the front yard setback. Building permits were issued and final inspection conducted for the project. (Exhibit No. 2)

Public Safety Issues

There is unpermitted outside storage - two boats are stored within the front yard setback, occupying a required parking space and encroaching into the public right-of-way that will need to be removed from public view.

Business license records indicate that a security system installation business (X-Tech Security Inc.) occupies the subject property and Sprint Nextel is the communications facility attached to the business pole sign along with its related ground-mounted equipment. Sprint Nextel, is required to obtain a current business license for its operations.

III. Analysis

Sprint Nextel is the sole provider located on the monopole. In 1997, the monopole was originally constructed by Cox CA PCS, Inc. located at the top of the 50-foot-high monopole with related ground equipment located within a chain-link fence. To provide additional screening, flowering vines were condition to cover the chain-link enclosure.

The subject property and the surrounding industrial area was previously zoned MH-D (Manufacturing, Heavy – Design Overlay) and later rezoned to ML-D (Manufacturing, Light – Design Overlay). At that time, staff and the Planning Commission considered the monopole would not have an adverse impact and is compatible to the surrounding industrial, horticulture and electrical power-lined area. Though the monopole does not meet current standards of a stealth design the modification lessens the aesthetic impact and is more compatible to the area. 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 twelve 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 larger industrial properties, a plant nursery and large electrical transmission towers. Though the monopole is not completely stealth, staff believes bringing the facility closer to the pole is an improvement.

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).

MODIFICATION NO. 1 TO DESIGN OVERLAY REVIEW NO. 641-96

The Planning Commission may approve Modification No. 1 to Design Overlay Review No. 641-96 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 project site is located in the northwest area of the City within a Light Industrial area. North of the site are larger industrial and manufacturing properties, a horticulture nursery is east, south-east are large high voltage power transmission towers and across Anelo (south-east) is a large industrial property housing a classic car museum and store. The subject property and the nearby properties are zoned ML-D (Manufacturing, Light – Design Overlay).

The existing use is a permitted 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 property is a small, triangular shaped industrial property with nearby large industrial properties, electrical transmission towers, a nursery and power poles lining Anelo Avenue. Though, the existing monopole can be seen from the street it complies with the 50-foot-high maximum height for an industrial zone. Construction of the 12-antenna monopole and its related equipment was previously approved by the Planning Commission to encroach within the front yard setback. The balance of the property is paved with little landscape, and no parking is affected. The proposed project brings the monopole into conformance via a conditional use permit and more compatible due to changing the design of the facility. The applicant proposes to reduce the number of antennas from twelve to three (one antenna per sector) and bring the facility closer to the pole to lessen the aesthetic impact thus making it more compatible with the area.

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

The existing parking will not be affected by the project. Removal of outside storage of the two boats from the required parking stall and encroachment to the public right-of-way will provide safe circulation for pedestrians and vehicles. The driveway widths and parking spaces will be 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 proposed project provides a more desirable design. The existing 50-foot-high monopole is in compliance with the maximum allowable height for an industrial zone.

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 16 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 to 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 applicant's proposal includes modifying the Sprint facility by reducing the existing antennas from twelve to three and bringing the facility closer to the pole as a minimum stealth approach and more compatible with the industrial complex. Additionally, there is adequate landscape along Anelo Avenue and the adjacent large industrial properties, large electrical transmission towers and nursery lessens 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. 910-12

Approval of a CUP is required for a freestanding Major Wireless Communications Facility in a manufacturing zone. Section 9172.21(D) of the Zoning Ordinance requires that the Planning Commission, by Resolution, render its approval for a Conditional Use Permit based on the ability to make affirmative findings concerning the following:

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

The existing use and development is consistent with General Plan goals, which include promoting sustainable energy, communication, and other systems which meet the needs of the community. The site operates as a warehouse and service business within a General Plan Land Use designation of Light Industrial. The existing monopole, associated equipment and fencing is a permitted use and is consistent with the surrounding development. The property is bounded on the west and southwest by high voltage power lines on towers, on the east by Anelo Avenue, street lights and power poles with transformer; on the north by manufacturing uses; and on the south by a plant nursery.

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

The 0.13-acre subject property is a flat, small, developed triangle-shaped, industrial site. It is located off of a major street which is surrounded by developed properties that are served by adequate infrastructure and utilities. Thus there are adequate utilities to provide and maintain service to the existing use.

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

Access to the existing facility for routine maintenance or emergency repair will continue to be provided, so the existing monopole will not impact traffic in the vicinity. The subject property is served by Anelo Avenue, a fully dedicated and improved 100-foot-wide industrial street.

- 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.

The existing 50-foot-high monopole was constructed legally prior to Ordinance 03-1284 thus the facility is legal, non-conforming via design overlay review and a variance. 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 with previous applications and has the discretion to approve 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.

IV. Environmental Review

Pursuant to Section 15301, Class 1 – Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines, the existing 50-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** Modification No. 1 to Design Overlay No. 641-96 and Conditional Use Permit No. 910-12, 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 MODIFICATION NO. 1 TO DESIGN OVERLAY REVIEW NO. 641-96 AND CONDITIONAL USE PERMIT NO. 910-12 TO PERMIT AN EXISTING LEGAL, NON-CONFORMING 50-FOOT-HIGH MAJOR COMMUNICATION FACILITY ATTACHED TO A BUSINESS POLE SIGN ON A PROPERTY LOCATED AT 19019 ANELO AVENUE."

VII. Exhibits

1. Land Use Map
2. Resolution No. 97-1669 for Design Overlay Review No. 641-96 and Variance No. 395-96
3. Resolution
4. Development Plans (Submitted under separate cover)

Prepared by:

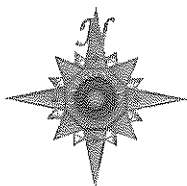
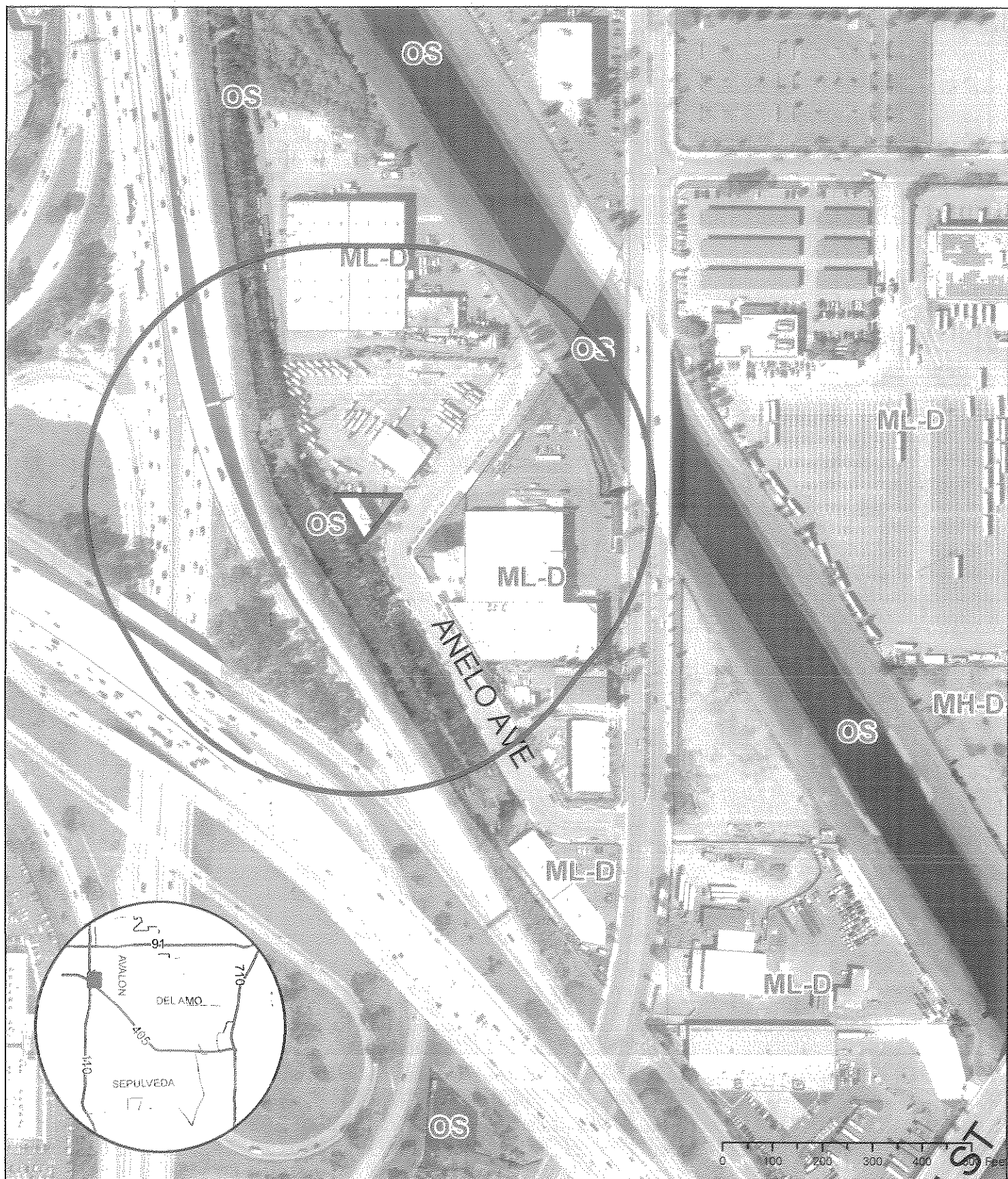


McKina Alexander, Planning Technician II

Reviewed and approved by:



John F. Signo, AICP, Senior Planner



City of Carson
500 Foot Radius Map
19019 Anelo Ave

Exhibit 1

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CITY OF CARSON
PLANNING COMMISSION

RESOLUTION NO. 97-1669

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON GRANTING APPROVAL OF
DESIGN OVERLAY REVIEW NO. 641-96
AND VARIANCE NO. 395-96

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

Section 1. An application was duly filed by the applicant, Cox California, Inc., with respect to real property located at 19019 Anelo Avenue, and described in exhibit "A" attached hereto, requesting the approval of a development plan under site plan and design overlay review to construct and operate a wireless transmission system on a 50 foot utility pole and an unmanned equipment cabinet in the MH-D (Manufacturing, Heavy-Design Overlay Review) zoned district. A variance request was also required for the encroachment of the monopole and ground mounted equipment within the front yard setback. A public hearing was duly held on April 8, 1997, at 6:30 p.m., in the Council Chambers, City Hall, 701 East Carson Street, Carson, California. A notice of the time, date, place and purpose of the aforesaid public hearing was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.

Section 3. The Planning Commission finds, pursuant to Section 9172.23(D)-Site Plan and Design Overlay Review and Section 9172.22(D) Variance of the Carson Municipal Code, that:

- a) The proposed PCS (Personal Communications Service) telecommunications facility is consistent with the General Plan, Land Use Element designation of Heavy Industrial.
- b) The proposed monopole and associated fencing and equipment will be compatible with the intended industrial character of the area. Presently, the property is bounded on the west and southwest by high voltage power lines on towers; on the east by Anelo Avenue, street lights and power poles with transformers; on the north by manufacturing uses; and on the south by horticultural growing stock. The monopole (partly) and ground mounted equipment will be screened by a vine-covered, six foot chainlink fence. The monopole will blend into the viewscape by doubling as a business identification pole sign using the same lettering and colors as the original pole sign.
- c) There will be adequate street access and traffic capacity for the proposed use and development. The subject property is served by Anelo Avenue, a fully dedicated and fully improved industrial street 100 feet in width. The proposed facility will be unmanned, requires no parking, and will have no impact to on-site circulation.
- d) The ground mounted equipment and monopole are to be located within the front yard setback and need a variance to be recognized as encroachments to Section 9146.29.
- e) The property is triangular in shape, rather small for industrial property at 0.13 acres in size. It is occupied by a two story building, having 1460 square feet of garage space and 2520 square feet of office space. Eight off-street parking spaces are provided, four of which are inside the two garages. None of the eight spaces can be reconfigured without losing a space. The monopole will be located in the same area as an existing pole sign. Located anywhere else on the property the monopole would represent an obstruction to on-site parking and circulation.



- f) Because of special circumstances applicable to the property, i.e., size, shape, physical surroundings, the strict application of site development standards for industrial property deprives the site of privileges enjoyed by other property in the vicinity and under the same zoning classification. There will be a 20 foot street vacation that will return 12 feet of frontage to the property owner. Eight feet will remain as a parkway. This 12 foot return, with the existing 12 foot encroachment, will create a 24 foot setback making the monopole encroachment only one foot and much less an impact. With these findings a variance for encroachment is justified.
- g) The project involves no potential for any adverse effect, either -individually or cumulatively, on wildlife resources and therefore a De Minimis Impact Finding is made relative to AB 3158, Chapter 1706, Statutes of 1990.

Section 4. Based on the aforementioned findings, the Planning Commission further finds that the use permitted by the proposed Design Overlay Review No. 641-96 and encroachment Variance No. 395-96; will not have a significant effect on the environment as indicated in the Initial Study and Negative Declaration prepared for this project. The proposed use will not alter the predominantly industrial character of the area and meets or exceeds all City standards for protection of the environment.

Section 5. Based on the aforementioned findings, the Commission hereby grants Design Overlay Review No. 641-96 and Variance No. 395-96 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto, and adopts the Negative Declaration.

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 8th DAY OF APRIL, 1997.


CHAIRMAN

ATTEST:


SECRETARY

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CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 1 TO DESIGN OVERLAY REVIEW NO. 641-96 AND CONDITIONAL USE PERMIT NO. 910-12 TO PERMIT AN EXISTING LEGAL, NON-CONFORMING 50-FOOT-HIGH MAJOR COMMUNICATIONS FACILITY ATTACHED TO A BUSINESS POLE SIGN ON A PROPERTY LOCATED AT 19019 ANELO AVENUE

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 Nextel, with respect to real property located at 19019 Anelo Avenue, and described in Exhibit "A" attached hereto, approving Modification No. 1 to Design Overlay Review No. 641-96 and Conditional Use Permit No. 910-12 to replace antenna on an existing 50-foot-high major communications facility (monopole) located on a developed property in the ML-D (Manufacturing, Light – Design Overlay) 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-D (Manufacturing, Light, Design Overlay). The continued use and development of the existing monopole is consistent with the surrounding industrial uses and is appropriate for the subject property as proposed. The property is bounded by high voltage transmission towers, manufacturing and warehouse uses, a large plant nursery and Anelo Avenue is lined with power lines along the street. The monopole and ground-mounted equipment is screened by a 6-foot chainlink fence. Vine cover will be refurbished on the chain-link enclosure for additional screening.
- b) Modification to the Sprint facility includes bringing the facility closer to the pole, reducing the number of antennas from twelve 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 adequate in size, shape, topography, location, utilities, and other factors 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. Safety and convenience of vehicular and pedestrian access is provided with the on-site driveway.
- e) On April 8, 1997, Design Overlay Review No. 641-96 and Variance No. 395-96 permit construction of the existing monopole and its related ground-mounted equipment to encroach within the front-yard setback. The attached business sign advertises a former business and is required to be either removed or replaced with the current business name subject to Planning Division review and approval.
- g) The existing monopole meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations. Therefore all of the required findings pursuant to Section 9172.21(D), "Conditional Use Permit," and Section 9138.16(H), "Required Findings," of the CMC are made in the affirmative.

Section 4. The Planning Commission further finds that the existing use will not have a significant effect on the environment. The use will not adversely augment the character of the surrounding area and will meet or exceed all City standards for protection of the environment. Therefore, the proposed project is found to be exempt pursuant to the California Environmental Quality Act (CEQA), Section 15301 – Existing Facilities.

Section 5. Based on the aforementioned findings, the Commission hereby approves Modification No. 1 to Design Overlay Review No. 641-96 and Conditional Use Permit No. 910-12 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 11th DAY OF MARCH, 2013

CHAIRMAN

ATTEST:

SECRETARY



EXHIBIT "A"

LEGAL DESCRIPTION

DESIGN OVERLAY REVIEW NO. 641-96

Commonly known as: 19019 Anelo Avenue

And legally described as:

THAT PORTION OF LOT 103 OF TRACT NO. 4671, IN THE CITY OF CARSON, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 56, PAGE(S) 30 AND 31 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, ACQUIRED BY THE STATE OF CALIFORNIA, BY DEED RECORDED IN BOOK D821 PAGE 113, OFFICIAL RECORDS IN SAID OFFICE, BOUNDED SOUTHWESTERLY BY THE SOUTHEASTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF THAT CERTAIN PARCEL OF LAND ACQUIRED BY THE STATE OF CALIFORNIA, BY DEED RECORDED IN BOOK D782 PAGE 799, OFFICIAL RECORDS IN SAID OFFICE.

EXCEPTING THEREFROM ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS, NATURAL GAS RIGHTS, AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN THAT MAY BE WITHIN OR UNDER THE PARCEL OF LAND HEREINABOVE DESCRIBED, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND REMOVING THE SAME FROM SAID LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE HEREINABOVE DESCRIBED, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND HEREINABOVE DESCRIBED, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINERS, WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 100 FEET OF THE SUBSURFACE OF THE LAND HEREINABOVE DESCRIBED, OR OTHERWISE IN SUCH MANNER AS TO ENDANGER THE SAFETY OF ANY HIGHWAY THAT MAY BE CONSTRUCTED ON SAID LANDS, AS EXCEPTED BY WESTERN WOODCRAFT, A PARTNERSHIP, COMPOSED OF LAWRENCE F. MEYER, JESSE P. WARREN AND AUGUST WAGEMAN, RECORDED APRIL 21, 1960.

CITY OF CARSON
COMMUNITY DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"

CONDITIONS OF APPROVAL

MODIFICATION NO. 1 TO DESIGN OVERLAY REVIEW NO. 641-96

CONDITIONAL USE PERMIT NO. 910-12

GENERAL CONDITIONS

1. The applicant shall obtain a building permit and approved final inspection for the modification.
2. If the implementation of Modification No. 1 to Design Overlay Review No. 641-96 and Conditional Use Permit No. 910-12 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 Modification No. 1 to Design Overlay Review No. 641-96 and Conditional Use Permit No. 910-12. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the



Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

PLANNING

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 50 feet.
17. The existing attached business sign shall either be removed or refaced to reflect the current business operations. If the sign is removed, the variance privilege will no longer be valid and the display of any sign or any other graphic on the wireless telecommunications facility or on its screening will be 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. Replacement of the sign will require Planning Division review and a building permit. Sign content shall be limited to the business name.
18. Refursh and/or install vines onto the chainlink enclosure to provide additional screening of the communications facility (partial) and its related ground-mounted equipment.
19. All wireless communications facilities shall be constructed and operated in such a manner as to meet the requirements of the Noise Ordinance.
20. Backup generators shall only be operated during power outages and for testing and maintenance purposes.
21. 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.
22. 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

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 19019 Anelo Avenue, including but not limited to contractors and subcontractors, will need to obtain a City Business License.

