



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS CONSENT: March 11, 2014

SUBJECT: Modification No. 1 to Design Overlay Review No. 675-98 and Modification No. 1 to Conditional Use Permit No. 489-98

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

REQUEST: To approve a modification to an existing 3-sector building-mounted wireless communications facility located within 100 feet of residential property in the CG (Commercial, General) zoning district.

PROPERTY INVOLVED: 548 East Sepulveda Boulevard

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. 9B

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

Property Owner

Paraskevas Karpouzis
11006 Deer Valley Road
Yucaipa, CA 92399

Project Address

548 East Sepulveda Boulevard

Project Description

The applicant, Karri Keeble of Sure-Site Consulting Group, represents Sprint Wireless and is requesting approval of Modification No. 1 to Design Overlay Review (DOR) No. 675-98 and Modification No. 1 to Conditional Use Permit (CUP) No. 489-98 to modify an existing building-mounted communications facility located at 548 E. Sepulveda Boulevard. The modification proposes to remove all 12 panel antennas, install three, new 7-foot-high panel antennas (1 per sector) and its related equipment, and build three new 15-foot-high FRP screen walls painted to match the existing building to stealth the new building-mounted panel antennas on a commercial building located in the CG-D (Commercial, General – Design Overlay) zoning district and within 100 feet of residential.

Pursuant to Section 9138.16, stealthed, building-mounted communications facilities located within 100-feet of residential is to the Planning Commission for consideration. As such, the project is presented as a new business consent item for a minor modification to the design overlay review permit and conditional use permit with no public hearing required.

II. Background

Previous Uses and Current Use of Property

On September 22, 1998, the Planning Commission approved Design Overlay Review No. 675-98 and Conditional Use Permit No. 489-98 for installation of a building-mounted communications facility. The communications facility consist of three sectors of four panel antennas each mounted on the east, west and south elevations of the building and a GPS unit located on the southeast corner of the building rooftop. The related equipment is housed within the commercial building.

III. Analysis

Location/Site Characteristics/Existing Development

The large commercial subject property consists of one multi-tenant commercial building with the building-mounted communications facility and is located in the south portion of the City on the south-east corner of Sepulveda and Avalon. The property is located within a commercial and residential area. The proposed stealth building-mounted facility minimizes aesthetic impacts and with reduced number of antennas is more compatible with the surrounding properties.

If approved, a minute resolution will be adopted and the following added to Resolution No. 98-1739:

1. The proposed FRP screen walls must completely screen the facility and painted to match the existing building subject to Planning Division approval.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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 Modification No. 1 to Design Overlay Review No. 675-98 and Modification No. 1 to Conditional Use Permit No. 489-98. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the

defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein. 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

7. Resolution No 98-1739 noted findings and conditions must be in compliance.

IV. Recommendation


That the Planning Commission:

- **APPROVE** Modification No. 1 to Design Overlay Review No. 675-98 and Modification No. 1 to Conditional Use Permit No. 489-98; and
- **ADOPT** a minute resolution and instruct staff to make necessary changes to Resolution No. 98-1739.

V. Exhibits

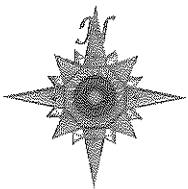
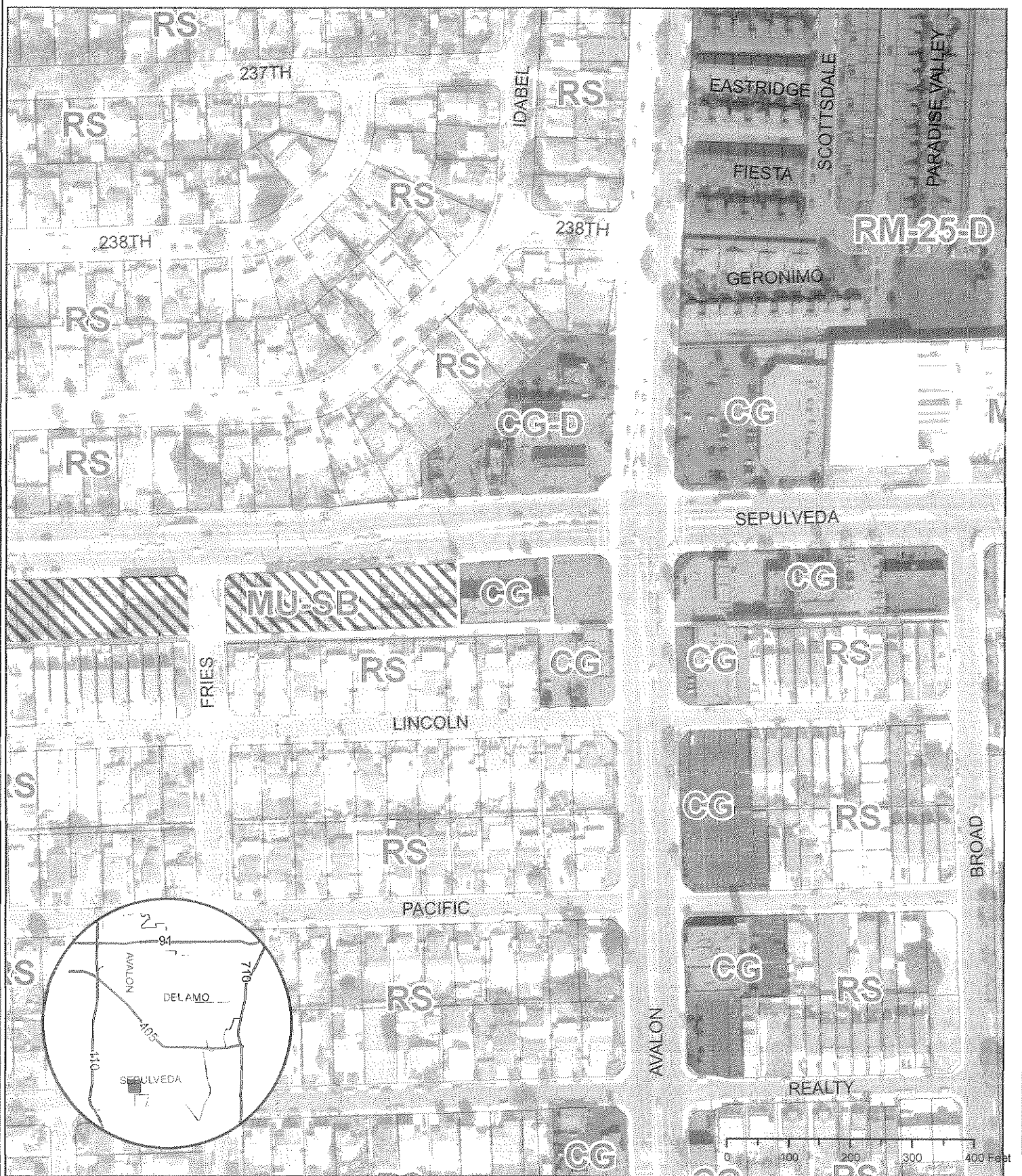
1. Land Use Map
2. September 22, 1998 – Planning Commission Resolution No. 98-1739
3. Development Plans (Submitted under separate cover)

Prepared by:


McKina Alexander, Planning Technician II

Reviewed and Approved by:


John F. Signo, AICP, Senior Planner



City of Carson
300 Foot Radius Map
21252 and 21262 South Alameda Street

Exhibit 1

5

Date Printed: Thursday, March 05, 2014
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 Public Hearing Notices\ZoningMap.mxd

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 98-1739

A RESOLUTION OF THE PLANNING COMMISSION APPROVING CONDITIONAL
USE PERMIT NO. 489-98 AND RECOMMENDING APPROVAL TO THE
REDEVELOPMENT AGENCY OF DESIGN OVERLAY REVIEW NO. 675-98

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, Nextel Communications, Inc., with respect to real property located at 548 East Sepulveda Boulevard and described in Exhibit "A" attached hereto, requesting the approval of Design Overlay Review No. 675-98 and Conditional Use Permit No. 489-98 for the installation of twelve panel antennas and a Global Positioning System (GPS) unit on a existing building located in the CG-D (Commercial, General; Design Overlay) zoned district and within Redevelopment Project Area No. 2.

A public hearing was duly held on September 22, 1998, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

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

Section 3. The Planning Commission finds that:

- a) The proposed telecommunications facility will consist of three arrays of four panels each mounted on the east, west and south elevations of the building and a GPS unit that will be located on the southeast corner of the building rooftop. The electronic equipment will be installed inside the building. Pursuant to Section 9131.1 of the Carson Municipal Code, the use of a communications facility is conditionally permitted in the CG-D (Commercial General - Design Overlay Review) zone. The proposed communications facility is located in a commercial zone and Redevelopment Project Area No. 2 and is subject to Section 9172.23, Site Plan and Design Review. The proposed project is to be recommended to the Redevelopment Agency for final review and approval.
- b) The proposed project adheres to the goals and objectives established within Redevelopment Project Area No. 2 and the Land Use Element of the General Plan, as the proposed cellular antennas will be compatible with the architecture, design, and color of the existing building and will contribute little additional visual impact to the area.
- c) The proposed telecommunications system will be compatible with the surrounding uses. The antennas and GPS unit will be painted a compatible color to match the existing building. The subject property is surrounded by a parking lot to the east, auto service shops to the west, a restaurant and gas station to the north, and single-family homes to the south.
- d) 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. The Planning Commission further finds that the use permitted by the proposed Conditional Use Permit and Design Overlay Review 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 commercial and residential character of the surrounding area and meets or exceeds all City standards for protection of the environment.

Section 5. Based on the aforementioned findings, the Commission hereby grants approval of Conditional Use Permit No. 489-98 and recommends the approval of Design Overlay Review No. 675-98 to the Carson Redevelopment Agency 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 22nd DAY OF SEPTEMBER, 1998.


CHAIRMAN

ATTEST:


SECRETARY



EXHIBIT "A"

Legal Description

THE LAND REFERRED TO HEREIN IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOTS 30 TO 35 INCLUSIVE IN BLOCK 3, IN THE FACTORY CENTER TRACT, IN THE CITY OF CARSON, AS PER MAP RECORDED IN BOOK 23 PAGES 18 AND 19 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THOSE PORTIONS OF LOTS 30 TO 35 INCLUSIVE, WHICH LIE WITHIN A STRIP OF LAND 50 FEET WIDE, THE NORTHERLY BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF A LINE PARALLEL WITH AND 30 FEET WESTERLY, MEASURED AT RIGHT ANGLES FROM THE WESTERLY LINE OF LOT 50, SAID BLOCK, WITH A LINE PARALLEL WITH AND 25 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE NORTHERLY LINE OF SAID LAST MENTIONED LOT; THENCE NORTH $83^{\circ} 13' 40''$ EAST ALONG SAID LAST MENTIONED PARALLEL LINE 173.17 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH, TANGENT TO SAID LAST MENTIONED PARALLEL LINE AND HAVING A RADIUS OF 2400 FEET; THENCE EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $2^{\circ} 44' 58''$ A DISTANCE OF 115.17 FEET; THENCE NORTH $85^{\circ} 28' 42''$ EAST 197.51 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 2400 FEET; TANGENT TO SAID LAST MENTIONED COURSE AND TANGENT TO A LINE PARALLEL WITH AND 40 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE NORTHERLY LINE OF LOT 26, SAID BLOCK; THENCE EASTERLY ALONG SAID LAST MENTIONED CURVE 100.00 FEET, AS CONDEMNED BY THE COUNTY OF LOS ANGELES IN DEED RECORDED JUNE 21, 1967 AS INSTRUMENT NO. 1930.

ALSO EXCEPT THEREFROM ALL RIGHT, TITLE AND INTEREST IN AND TO ALL OIL, GAS, PETROLEUM, AND OTHER MINERAL AND KINDRED SUBSTANCES DEPOSITED IN, LYING UNDER OR FLOWING THRU, OR THAT MAY BE PRODUCED FROM THE PROPERTY HEREIN CONVEYED; PROVIDED, HOWEVER, NO RIGHT IS RESERVED TO THE GRANTOR, ITS SUCCESSORS AND/OR ASSIGNS BY REASON OF THIS EXCEPTION OR RESERVATION TO ENTER THE SURFACE OF SAID PROPERTY OR SUB-SURFACE THEREOF AT ANY POINT ABOVE A DEPTH OF 500 FEET (MEASURED VERTICALLY) FROM THE SURFACE THEREOF FOR A PERIOD ON OR BEFORE TEN (10) YEARS FROM AUGUST 10, 1983 WHICH CORRESPONDS TO THE DATE OF SATISFACTION OF ENCUMBRANCE AGAINST THE SUBJECT PROPERTY WHEREIN THE GRANTOR, EMILY N. BROMLEY, IS THE BENEFICIARY AND THE GRANTEE. PARASKEVAS KARPOUZIS, IS THE TRUSTOR IN THE ORIGINAL AMOUNT OF \$150,000.00 WHICH IS RECORDED CONCURRENTLY THEREWITH, AS RESERVED BY EMILY N. BROMLEY, AN UNMARRIED WOMAN, IN DEED RECORDED AUGUST 10, 1983 AS INSTRUMENT NO. 83-918545.



CITY OF CARSON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

EXHIBIT "B"

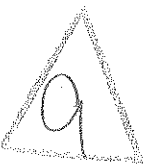
CONDITIONS OF APPROVAL

DESIGN OVERLAY REVIEW NO. 675-98

CONDITIONAL USE PERMIT NO. 489-98

GENERAL CONDITIONS

1. If Design Overlay Review No. 675-98 and Conditional Use Permit No. 489-98 are not used within one year of their effective date, said permits shall be declared null and void unless an extension of time is previously approved by the Planning Commission. Conditional Use Permit No. 489-98 shall be considered null and void if the Redevelopment Agency does not approve Design Overlay Review No. 675-98.
2. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission as Exhibits "C-1" and "D-1" respectively in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review by the Planning Commission.
4. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Community Development Department within 30 days of receipt of the Planning Commission Resolution.
5. It is further made a condition of this approval that if any condition is violated or if any law, statute or ordinance is violated, the permit(s) shall lapse, provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
6. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
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 Community Development Department prior to the issuance of a building permit.
8. Within forty-eight hours of approval of the subject project, the applicant shall deliver to the Community Development Department a cashier's check or money order payable to the County Clerk in the amount of \$25.00 (twenty-five dollars) pursuant to AB 3185,



Chapter 1706, Statutes of 1990, to enable the city to file the Notice of Determination required under Public Resources Code Section 21152 and 14 California. Code of Regulations 15075. If within such forty-eight hour period the applicant has not delivered to the Community Development Department the above-noted cashier's check or money order, the approval for the project granted herein may be considered automatically null and void.

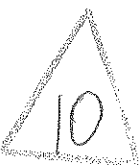
9. In addition, should the Department of Fish and Game reject the Certificate of Fee Exemption filed with the Notice of Determination and require payment of fees, the applicant shall deliver to the Community Development Department, within forty-eight hours of notification, a cashier's check or money order payable to the County Clerk in the amount of \$1,250 (one thousand two hundred fifty dollars) pursuant to AB 3158, Chapter 1706, Statutes of 1990. If this fee is imposed, the subject project shall not be operative, vested or final unless and until the fee is paid.
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. 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.

AESTHETICS

12. The antennas and Global Positioning System (GPS) unit shall be painted a color to blend in and provide consistency with the existing building. The applicant shall ensure that the painted surfaces are kept in good condition at all times.
13. The northern and eastern facade of the building shall be painted after construction of the communication facility.
14. Graffiti shall be removed from all project areas within 15 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.).

OTHER

15. All regulations and guidelines of the Federal Communication Commission (FCC) shall be strictly enforced.
16. Any future alteration or upgrades of the antennae and communication facility shall require prior approval from the City.
17. In the event that this facility causes interference or disturbance with radio or television reception within a 500-foot radius of the facility, the applicant shall repair the facility within 30 days of the notification or cease its operation.



18. The antennas, GPS unit, and equipment cabinet shall be maintained in good condition at all times.
19. Lawfully erected wireless communication facilities that are no longer being used shall be removed from the premises, no later than 30 days after the discontinuation of use. A wireless communication facility is considered abandoned if it no longer provides wireless communication service. Such removal shall be in accordance with proper state and federal health and safety requirements. Any removal of facilities will require that the applicant or property owner provide facilities that existed prior to the erection of the communications facility.

BUSINESS LICENSE

20. Per Section 6310 of the Carson Municipal Code, all parties involved in the wireless communication project, including, but not limited to contractors and subcontractors shall obtain a City Business License.

