



## CITY OF CARSON

### PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: September 14, 2010

SUBJECT: Design Overlay Review No. 1369-10  
Conditional Use Permit No. 829-10  
Conditional Use Permit No. 833-10

APPLICANT: Trillium for T-Mobile West Corporation  
Attention: Tim Miller  
5912 Bolsa Avenue Ste. 202  
Huntington Beach, CA 92649

OWNER: Teresa Escobosa  
1981 East 213<sup>th</sup> Street  
Carson, CA 90749

REQUEST: To construct a 60-foot high unmanned wireless telecommunication facility designed as a pine tree for T-Mobile in the MH (Manufacturing, Heavy) zone.

PROPERTY INVOLVED: 1981 East 213<sup>th</sup> Street

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#### COMMISSION ACTION

☐ Concurred with staff

☐ Did not concur with staff

☐ Other

#### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairperson Faletogo			Graber
		Vice-Chair Park			Saenz
		Brimmer			Schaefer
		Diaz			Verrett
		Gordon			

**ITEM NO. 11E**

## I. Introduction

### *Date Application Received*

- April 5, 2010: Design Overlay Review No. 1369-10, Conditional Use Permit No. 829-10 and Conditional Use Permit No. 833-10

### *Applicant*

- Trillium for T-Mobile West Corporation; Tim Miller, representative; 5912 Bolsa Avenue Ste. 202, Huntington Beach, CA 92649

### *Property Owner*

- Teresa Escobosa; 1981 East 213<sup>th</sup> Street; Carson, CA 90749

### *Project Address*

- 1981 East 213<sup>th</sup> Street

### *Project Description*

- To install a 60-foot high, unmanned wireless 'monopine' facility for T-Mobile at an existing industrial property.
- The monopine will have twelve antennas in three sets of four antennas at 55 feet above finished grade.
- The facility includes four (4) equipment cabinets within a 23 foot by 15 foot by 8 foot lease area.
- The monopine and enclosure will be located in the northwest corner of the property.
- The proposal includes the following discretionary requests:
  - *Site Plan and Design Review and Conditional Use Permit (Use)*: Pursuant to Section 9138.16.D, the facility is considered a major wireless telecommunication facility because it is a freestanding structure and the Planning Commission has the approval authority; and
  - *Conditional Use Permit (Height)*: Pursuant to Section 9138.16.F, the facility exceeds the maximum height limit and approval of a conditional use permit in conformance with Section 9138.16.G is required by the Planning Commission.

## II. Background

### *Current Use of Property*

- The project site is located on an industrial property with an existing warehouse and is approximately 8 acres in size.

### *Previously Approved Discretionary Permits*

- None

### *Public Safety Issues*

- The Public Safety Department has not reported any current code enforcement cases associated with this property.



### III. Analysis

#### *Location/Site Characteristics/Existing Development*

- The subject property is eight (8) acres and located at 1981 East 213<sup>th</sup> Street east of Wilmington Avenue.
- Adjacent to the subject property to the north, south, east and west are industrial properties. Residential properties are located approximately 900 feet west across Wilmington Avenue.

#### *Zoning/General Plan/Redevelopment Area Designation*

- The subject property is zoned MH (Manufacturing, Heavy). Properties to the north, south, east and west are also zoned MH (Manufacturing, Heavy).
- The subject property has a General Plan Land Use designation of Heavy Industrial. Properties to the north, south, east and west also have a General Plan Land Use designation of Heavy Industrial.

#### *Applicable Zoning Ordinance Regulations*

Pursuant to Section 9138.16(D), the proposed project is a freestanding structure and is considered a Major Wireless Telecommunication Facility subject to the approval of a development plan in accordance with the Site Plan and Design Review (DOR) procedures as provided in Section 9172.23 and Conditional Use Permit (CUP) procedures as provided in Section 9172.21. Pursuant to Section 9138.16.F, the facility exceeds the maximum height limit and is subject to approval of a conditional use permit in accordance with Section 9138.16.G and Conditional Use Permit (CUP) procedures as provided in Section 9172.21.

The following table summarizes the proposed project's consistency with current site development standards for the MH zone district and other zoning code sections applicable to this type of proposed use:

Applicable Zoning Section	Compliant	Non-Compliant	Comments
<b>Wireless Telecommunication Facilities Standards</b>			
Section 9138.16C, Applicability	x		Procedures and rules in 9138.16 sections applicable to all new wireless telecommunication facilities.

Applicable Zoning Section	Compliant	Non-Compliant	Comments
9138.16D2, Procedural Standards: Major Wireless Telecommunication Facilities	x		As defined by Section 9138.16, the project is a major telecommunications facility and requires a Site Plan and Design Review permit per Section 9172.23.
9138.16E, Application Requirements	x		
9138.16F2b-d, Height	x		Facilities greater than 50 feet in height will require the approval of a Conditional Use Permit.
9138.16F2-F7, Wiring; Painting; Lighting; Noise; and, Signs	x		
9138.16.G, Minor Exceptions	x		Subject to Planning Commission approval of proposed height.
9138.16H, Required Findings	x		The proposed height of the antenna will allow co-location of other telecommunications facilities on the proposed 'monopine' facility. The facility has been designed to facilitate additional antennas. A collocation report was prepared which indicates that three (3) other freestanding facilities in the vicinity were considered for collocation but were not chosen due to conditions which include: 1) the selling of the property; and 2) not notified of interest prior to contact with the current property (Exhibit No. 4).
9138.16I,K,L, Maintenance; Temporary Facilities; Facility Removal	x		Applicable to all wireless facilities upon approval of permit(s).
<b>INDUSTRIAL ZONE / GENERAL DEVELOPMENT REQUIREMENTS</b>			

Applicable Zoning Section	Compliant	Non-Compliant	Comments
Section 9141.1 Uses Permitted	x		Permitted, subject to requirements of Section 9138.16
9146.23-24 Side / Rear Yard	x		Indicate setback distance of proposed monopine and equipment enclosure on the site plan
9162.21, "Parking Spaces Required"			Per field inspection, storage in required parking areas must be removed prior to the issuance of a building permit.
<b>Procedures</b>			
9171.4, Environmental Review Requirements	x		DOR permit required for telecommunication facility. Provide details on other nearby structures such as power poles and light standards and their locations to ensure consistency in design and height with the proposed facility.
9172.23, Site Plan and Design Review	x		

### *Environmental Effects of Telecommunication Facilities on Human Beings*

The Federal Communications Commission (FCC) which regulates the use of telecommunication facilities has done studies on low level radiofrequency radiation but has not found that it causes harmful biological effects on human beings. In general, cities cannot regulate telecommunication facilities on the basis of environmental effects of radio frequency emissions if the emissions comply with the requirements of the Federal Communications Commission (FCC). Telecommunication providers are required to certify that their telecommunication facility complies with FCC guidelines regarding radiofrequency. Furthermore, cities cannot regulate radiofrequency interference (RFI) that interferes with the reception of television signals for nearby homes. The courts have held that the FCC has exclusive jurisdiction to regulate RFI.

### *Required Findings: Conditional Use Permit*

Approval of a CUP is required for a Major Wireless Telecommunication Facility which is freestanding and exceeds the height limit by no more than 20 percent, up to 60 feet in an industrial zone. Pursuant to Section 9172.21, Conditional Use Permit, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

1. The proposed use and development will be consistent with the General Plan.
2. The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development.
3. There will be adequate street access and traffic capacity.
4. There will be adequate water supply for fire protection.
5. The proposed use and development will be compatible with the intended character of the area.
6. Such other criteria as are specified for the particular use in other Sections of this chapter (Zoning Ordinance).

*Required Findings: Site Plan and Design Review*

Pursuant to Section 9172.23, Site Plan and Design Review, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

1. Compatibility with the General Plan, any specific plans for the area, and surrounding uses.
2. 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.
3. Convenience and safety of circulation for pedestrians and vehicles.
4. Attractiveness, effectiveness and restraint in signing, graphics and color.
5. Conformance to any applicable design standards and guidelines that have been adopted pursuant to Section 9172.15.

*Required Findings: Wireless Telecommunications Facilities*

Pursuant to Section 9138.16 (G), Wireless Telecommunications Facilities, the Planning Division or Planning Commission may approve the development plan and conditional use permit for the proposal only if the following findings can be made in the affirmative:

1. Existing natural geographic conditions preclude an obstruction-free reception area and there is no other option, including relocation, available.
2. Relief from the development standards results in a more appropriate design which minimizes the visual impact of the facility.
3. The antenna height must be increased in order to accommodate the establishment of a co-located facility and there is no other option available.
4. Visual impacts are negligible because the facility is designed to architecturally integrate with the surrounding environment.

Pursuant to Section 9138.16(H), Wireless Telecommunications Facilities, the Planning Division or Planning Commission may approve the development plan and conditional use permit for the proposal only if the following findings can be made in the affirmative:

1. The proposed site is the best alternative after considering co-location with another facility and location at another site.



2. The proposed wireless telecommunication 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 the 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.
3. 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.

All of the required findings pursuant to Section 9172.21(D), "Conditional Use Permit, Commission Findings and Decision", Section 9172.23(D), "Site Plan and Design Review, Approval Authority and Findings and Decision", Section 9138.16 (G), "Wireless Telecommunications Facilities, Minor Exceptions" and Section 9138.16(H), "Wireless Telecommunications Facilities, Required Findings" can be made in the affirmative. Details can be found in the attached Resolution.

*Issues of Concern: Zoning Requirements / Conditional Use Permit, Site Plan and Design Review and Wireless Telecommunications Facilities Findings*

- Issue – Storage In Existing Parking Spaces
  - Parking spaces along the western portion of the lot are currently occupied by storage from the existing warehouse. A condition of approval will be included to require the storage to be removed from the parking spaces prior to the issuance of a building permit.
- Issue – Aesthetics – Screening Trees
  - A condition of approval will be included to require the applicant to plant two additional trees compatible with the surrounding trees and proposed monopine in the existing planter areas to the south of the telecommunication facility to the satisfaction of the Planning Division and prior to the issuance of a building permit.

**IV. Environmental Review**

The proposed wireless telecommunications facility is exempt from the provisions of the California Environmental Quality Act – Section 15332 – In-Fill Development Projects.

**V. Recommendation**

That the Planning Commission:

- WAIVE further reading and ADOPT Resolution No. \_\_\_\_\_, entitled "A Resolution of the Planning Commission of the City of Carson approving Design Overlay Review No. 1369-10, Conditional Use Permit No. 829-10 and Conditional Use



Permit No. 833-10 to construct a 60-foot high unmanned wireless telecommunication facility designed as a pine tree at 1981 East 213<sup>th</sup> Street."

**VI. Exhibits**

1. Land use map
2. Photosimulations
3. Propagation Maps – T-Mobile
4. Alternative Site Analysis – T-Mobile
5. Resolution
6. Site plan, elevations, floor plans (C-1, D-1)

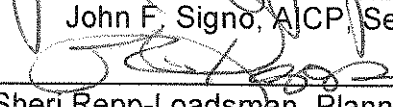
**Prepared by:**

  
Max Castillo, Assistant Planner

**Reviewed by:**

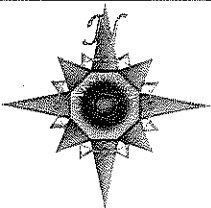
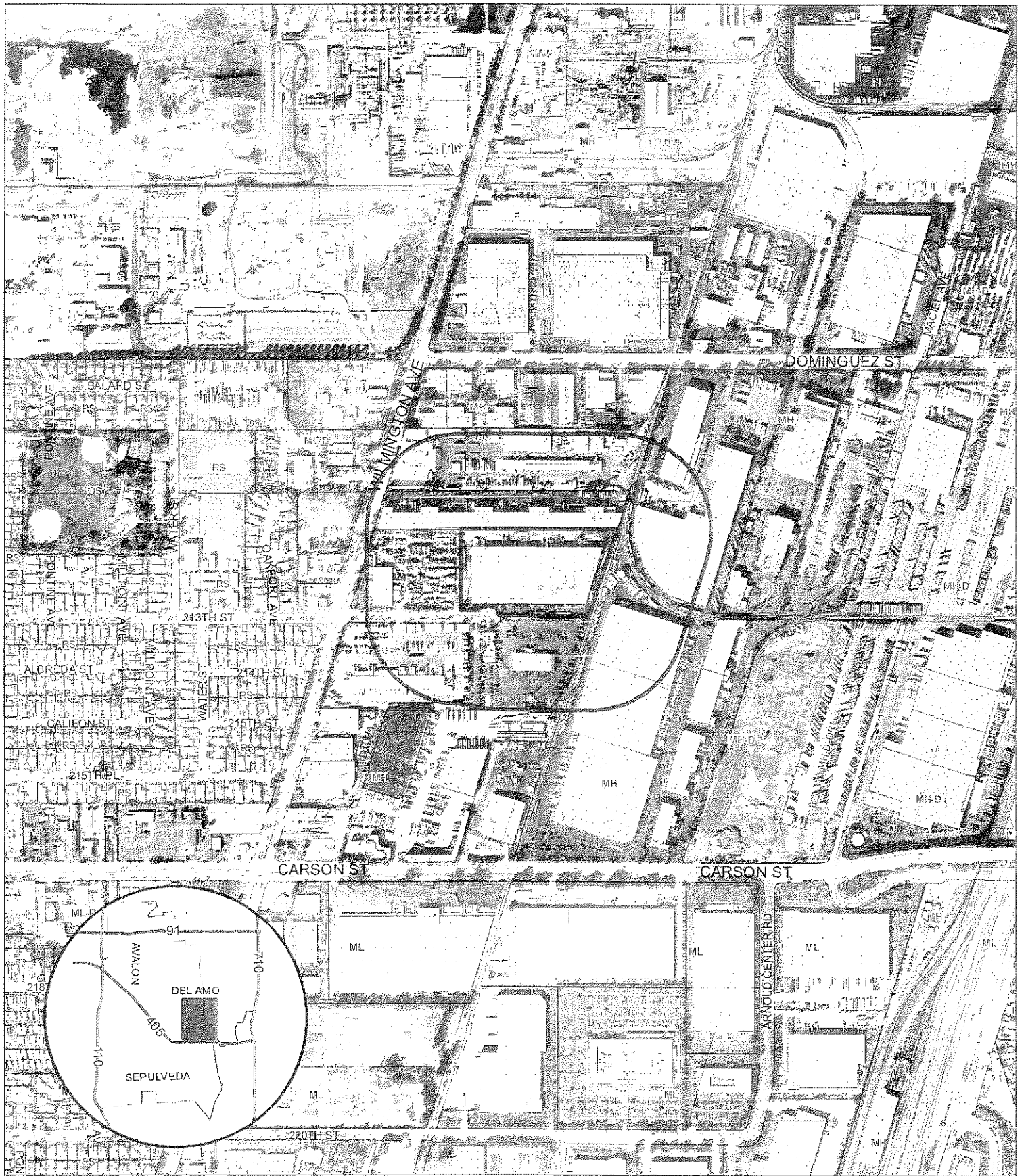
  
John F. Signo, AICP, Senior Planner

**Approved by:**

  
Sheri Repp-Loadsmen, Planning Division Manager

MC/d136910\_c82910\_c83310\_1981E213th\_1981E213th\_p





# City of Carson 500 Foot Radius Map 1981 E 213th St

EXHIBIT NO. 1

Printed: Tuesday, August 24, 2010  
K:\Planning\Addresses\213th\_1981\500FootRadiusMap.mxd

Predicted Coverage Without LA33771A

## Coverage Legend

## Outdoor

**In Vehicle**

**Principles**

This information is the property of T-Mobile USA, Inc. Confidential and is intended solely for the use of the individual or entity to whom it is addressed. Any other use, or distribution of this information is strictly prohibited. This map predicts and approximates our wireless coverage area outdoors, which may change without notice. It may include locations with limited or no coverage. Our maps do not guarantee service availability. Even within a coverage area, there are several factors, such as: network changes, traffic volume, service outages, and technical limitations, signals strength, your equipment, terrain, structures, weather, and other conditions that may interfere with actual service, quality and availability, including the

technological innovation that strengthens your equipment, retain, and availability, improving its





# T-Mobile

## Alternative Site Analysis

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1981 East 213th Street

Carson, CA 90810

Zone: MH

APN: 7316-028-006

The locating or siting of a wireless telecommunications facility (WTF) is driven by technological concerns and requirements, which include the service area, geographical elevation and the topography of the area, alignment with other sites in the network, and customer demand components. Placement within the urban geography is dependent on these requirements.

Moreover, selection of sites for wireless telecommunications facilities is 'locationally dependent', meaning that the siting of a WTF is driven by the location of existing sites in the network chain. Wireless telecommunications facilities operate at low-power. Due to the low-power signals of wireless facilities the distance over which the facilities extend is limited to a geographically small area or 'cell'. An overlapping patchwork of such cells is needed to provide seamless coverage over a larger geographical area. As the caller moves through cells, one cell relays its signal to the next. Where there is a 'gap' in this coverage, a call is either 'dropped' (disconnected) or 'blocked' (never connected), resulting in a failure of the network. Consequently, the lack of one site can lead to significant gaps in service.

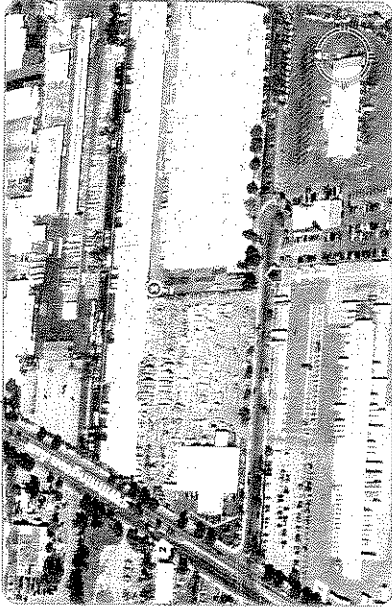
There are additional requirements for locating a site. The first is the size of the property and its available space. The size of the available space on the property must be able to accommodate the facility. This includes both the antenna support structure and the associated electronic equipment. The second is having a property owner who is willing to lease space. The Radio Frequency (RF) Engineer for T-Mobile had specific requirements to provide coverage to the surrounding area. T-Mobile and Trillium Consulting, Inc. explored the possibility of locating at other properties in the area and they are listed below along with the reasons T-Mobile did not pursue them.

- 1) 21222 S. Wilmington Avenue – freestanding facility – Owner was not interested because they had plans to sell the property.
- 2) 1970 E. 213<sup>th</sup> St (Waste Management LA Metro) – freestanding facility – Did not hear back before 1981 E. 213<sup>th</sup> St responded with interest.
- 3) 21300 S Wilmington Avenue (Roadway Express) – freestanding – Did not hear back before 1981 E. 213<sup>th</sup> St responded with interest.

...T-Mobile...

Microsoft® Virtual Earth™

LOCATION

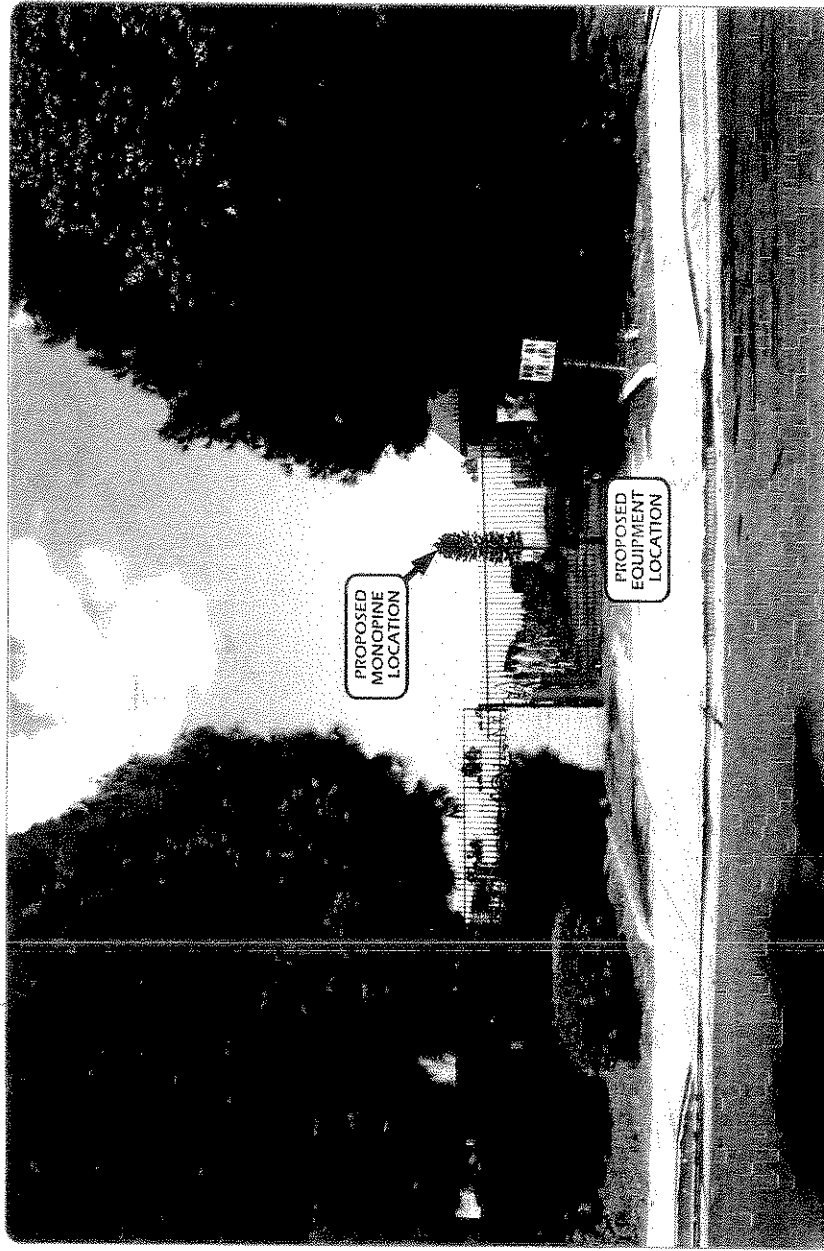


View from the South to the North

EXISTING



PROPOSED



Completed January 28, 2010

**LA03371A**

**Schafer**

1981 East 213th Street  
Carson, CA 90810

**VIEW 1**

**CONTACT**

Trillium Telecom Services  
Tim Miller  
5912 Bolsa Ave., Suite 202  
Huntington Beach, CA 92649  
p 714.364.7233

**APPLICANT**

T-Mobile  
3 MacArthur Place, Suite 1100  
Santa Ana, CA 92707



**Blue Water**  
DESIGN

**BLUE WATER DESIGN**  
1741 Tustin Ave. 19A  
Costa Mesa, CA 92627  
bluewater-design.net  
michelle@bluewater-design.net  
P 714.473.2944  
F 949.631.2310

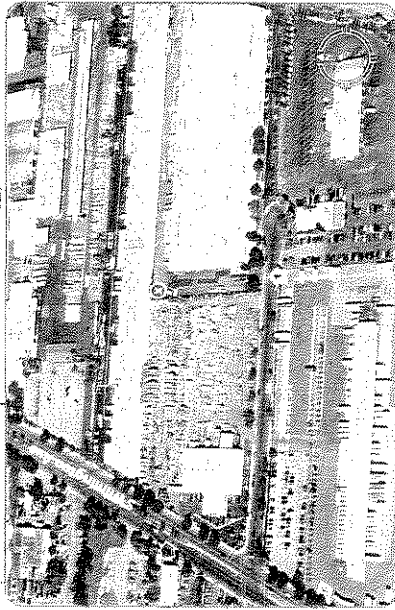
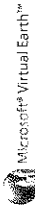
**PLANNING DEPARTMENT**  
P 714.473.2944  
F 949.631.2310

Photo emulation accuracy is based on information provided to Blue Water Design by the applicant. The proposed installation is an artistic representation of a tree, and not intended to be an exact reproduction of an actual living tree. The final installation will have cables, cable ports, and various attachments, such as antennas, nuts and bolts. Every effort will be made to duplicate these components and they will not be readily apparent to the casual observer or passerby. However, upon close scrutiny, the true nature of the installation will be apparent.

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

13

LOCATION

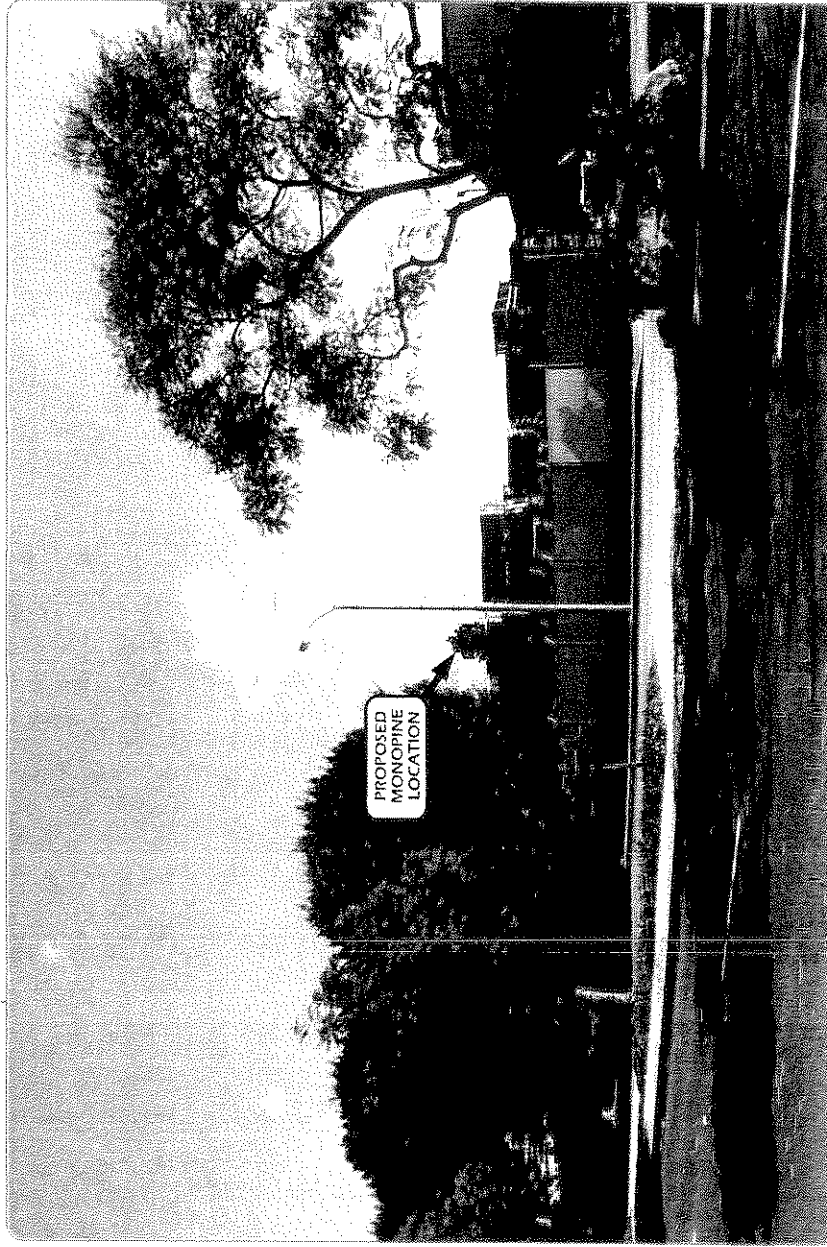


View from the West to the East

EXISTING



PROPOSED



Completed January 28, 2010

**LA03371A**

**Schafer**

1981 East 213th Street  
Carson, CA 90810

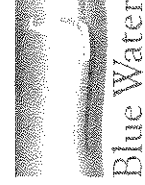
**VIEW 2**

**CONTACT**

Trillium Telecom Services  
Tim Miller  
5912 Bolsa Ave., Suite 202  
Huntington Beach, CA 92649  
p 714.364.7233

**APPLICANT**

T-Mobile  
3 MacArthur Place, Suite 1100  
Santa Ana, CA 92707



DESIGN

**BLUE WATER DESIGN**  
1741 Tuslin Ave. 19A  
Costa Mesa, CA 92627  
bluewater-design.net  
michelle@bluewater-design.net  
p 714.473.2942  
f 949.631.2316

Photo simulation accuracy is based on information provided to Blue Water Design by the applicant. The proposed installation is an artistic representation of a tree, and not intended to be an exact reproduction of an actual living tree. The final installation will have cables, cable joints, and various attachments, such as antennas, nuts, and bolts. Every effort will be made to disguise these components and they will not be readily apparent to the casual observer or passerby. However, upon close scrutiny, the true nature of the installation will be apparent.

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1369-10, CONDITIONAL USE PERMIT NO. 829-10 AND CONDITIONAL USE PERMIT NO. 833-10 TO CONSTRUCT A 60-FOOT HIGH UNMANNED WIRELESS TELECOMMUNICATION FACILITY DESIGNED AS A PINE TREE AT 1981 EAST 213<sup>TH</sup> 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, Trillium for T-Mobile West Corporation, represented by Tim Miller, with respect to real property located at 1981 East 213<sup>th</sup> Street, and described in Exhibit "A" attached hereto, requesting the approval of a site plan and design review and conditional use permits to construct a 60-foot high unmanned wireless telecommunication facility designed as a pine tree in the MH (Manufacturing, Heavy) zoning district.

A public hearing was duly held on September 14, 2010, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. Notices of time, place and purpose of the aforesaid meeting were duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid hearings.

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

**Section 3.** The Planning Commission finds that:

- a) The General Plan designates the property as Heavy Industrial which is compatible with the proposed use. The proposed use and development of a wireless telecommunication facility will be consistent with the surrounding industrial uses and is appropriate for the subject property as proposed.
- b) The project is compatible in design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open spaces and other features relative to a harmonious and attractive development of the area. The proposed project will blend with existing and proposed trees in the area.
- c) The site is also adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development. The surrounding land uses are industrial uses and the proposed project is compatible with those uses. The site is flat and located in an industrial area.
- d) The proposed telecommunication facility will only require monthly 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 existing on-site driveway and parking lot.





- e) The proposed height of the antenna will allow co-location of other telecommunications facilities on the proposed 'monopine' facility. The facility has been designed to facilitate additional antennas. A collocation report was prepared which indicates that three (3) other freestanding facilities in the vicinity were considered for collocation but were not chosen due a lack of interest to provide a lease for the facility or unresponsiveness by the property owner. It was also determined that the proposed location is preferred because it is located approximately 500 feet east of Wilmington Avenue and will cause minimal aesthetic impacts.
- f) The facility will be disguised as a pine tree and will blend with existing and proposed landscaping in the area as seen from a distance.
- g) The proposed wireless telecommunication facility is located and designed to minimize the visual impact on surrounding properties and from public streets, including stealthing which includes disguising the facility as a pine tree;
- h) The proposed wireless telecommunication facility 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", Section 9172.23(D), "Site Plan and Design Review, Approval Authority and Findings and Decision", Section 9138.16(G), "Wireless Telecommunication Facilities, Minor Exceptions" and Section 9138.16(H), "Wireless Telecommunication Facilities, Required Findings" are made in the affirmative.

**Section 4.** The Planning Commission further finds that the use permitted by the proposed site plan and design review and conditional use permits will not have a significant effect on the environment. The proposed facility will not alter the predominantly industrial character of the surrounding area and meet or exceed all City standards for protection of the environment. Therefore, the proposed project is found to be exempt under the general rule of CEQA, Section 15332.

**Section 5.** Based on the aforementioned findings, the Commission hereby grants Design Overlay Review No. 1369-10, Conditional Use Permit No. 829-10 and Conditional Use Permit No. 833-10 with respect to the property described in Section 1 hereof, subject to the conditions and plans set forth in Exhibit "B" respectively attached hereto.

**Section 6.** The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

**Section 7.** This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

**PASSED, APPROVED AND ADOPTED THIS 14<sup>th</sup> DAY OF SEPTEMBER, 2010**

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

**ATTEST:**

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





## EXHIBIT "A"

### Legal Description

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

Those portions of Lots 3 and 4, in Block "B" of Subdivision of Part of The Rancho San Pedro, commonly known as Dominguez Colony Tract, in the City of Carson, County of Los Angeles, State of California, as per map recorded in Book 1, Pages 601 and 602 of Miscellaneous Records, in the Office of the County Recorder of said County, more particularly described as follows:

Beginning at the Northwesterly corner of said Lot 3, said point being the intersection of the Southerly line of Dominguez Street, 66 feet wide, with the Easterly line of Wilmington Avenue, 66 feet wide; thence South  $17^{\circ} 12' 25''$  West 900.53 feet along said Easterly line of Wilmington Avenue, to the North line of the South 14.08 acres of said Lot 3; thence along said North line, North  $89^{\circ} 56' 32''$  East 481.41 feet to the True point of Beginning; thence continuing North  $89^{\circ} 56' 32''$  East 839.81 feet to the Easterly line of said Lot 3; thence South  $17^{\circ} 11' 07''$  West 486.41 feet along the Easterly lines of said Lots 3 and 4 to the North line of Parcel Map No. 2984, recorded in Book 42, Page 95 of Parcel Maps, in the Office of the County Recorder of said County; thence South  $89^{\circ} 56' 20''$  West along said North line 491.37 feet to a point in a non-tangent curve having a radius of 55 feet being concave Westerly, a radial through said point bears North  $89^{\circ} 56' 20''$  East; thence North along said curve through a central angle of  $108^{\circ} 13' 05''$ , an arc length of 103.88 feet; thence South  $71^{\circ} 43' 15''$  West 50.00 feet to the beginning of a curve concave Northerly, having a radius of 92.00 feet; thence along said curve through a central angle of  $18^{\circ} 13' 05''$ , an arc length of 29.25 feet to a line which is parallel with and 32.00 feet Northerly of and measured at right angles to said North line; thence along said parallel line, South  $89^{\circ} 56' 20''$  West 55.78 feet to a line which bears South  $00^{\circ} 03' 40''$  East, from the true point of beginning; thence North  $00^{\circ} 03' 40''$  West 432.59 feet to the true point of beginning.

Excepting therefrom all minerals and all mineral rights of every kind and character now known to exist or hereafter discovered, including, without limiting the generality of the foregoing oil, gas and rights thereto, together with the sole, exclusive and perpetual right to explore for, remove and dispose of minerals by any means or methods suitable, but without entering upon or using the surface of said land, or any portion of the subsurface within 500 feet of the surface and in such manner as not to damage the surface, as granted to Dominguez Properties, a California



File No: 11808320

Limited Partnership, by deed recorded in Book D-3845, Page 893, Official Records.

The above described land is shown as Parcel 4 of Parcel Map No. 6648, filed in Book 108, Pages 36 and 37 of Parcel Maps, in the Office of the County Recorder of said County.

Assessor's Parcel Number: **7316-028-006; 7316-028-802**



**CITY OF CARSON**  
**ECONOMIC DEVELOPMENT SERVICES**  
**PLANNING DIVISION**

**EXHIBIT "B"**

**CONDITIONS OF APPROVAL**

**DESIGN OVERLAY REVIEW NO. 1369-10**

**CONDITIONAL USE PERMIT NO. 829-10**

**CONDITIONAL USE PERMIT NO. 833-10**

**GENERAL CONDITIONS**

1. If a building permit is not issued within one year of the date of approval of Design Overlay Review No. 1369-10, Conditional Use Permit No. 829-10 and Conditional Use Permit No. 833-10, said permits shall be declared null and void unless an extension of time is requested prior to their expiration and approved by the Planning Commission.
2. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
3. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
4. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review by the Planning Commission.
5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
6. It is further made a condition of this approval that if any condition is violated or if any law, statute ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.



7. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
8. The operator of a lawfully erected facility, and the owner of the premises upon which it is located, shall promptly notify the Planning Division in writing in the event that the use of the facility is discontinued for any reason. In the event the facility is discontinued or abandoned for a period of more than 180 days, then the owner(s) and/or operator(s) shall promptly remove the facility, repair any damage to the premises caused by such removal, and restore the premises as appropriate so as to be in conformance with applicable zoning codes at the owner's and/or operator's expense. All such removal, repair and restoration shall be completed within 90 days after the use is discontinued or abandoned, and shall be performed in accordance with all applicable health and safety requirements.
9. 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. 1369-10, Conditional Use Permit No. 829-10, and Conditional Use Permit No. 833-10. 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.

#### AESTHETICS

10. The specification of all colors and materials and texture treatment must be submitted and approved by the Planning Division prior to the issuance of any building permits.
11. All electrical and equipment wiring shall be placed underground or concealed within the building or structure in which the facility will be mounted.
12. Storage in any existing parking spaces shall be removed prior to submittal prior to issuance of a building permit.
13. Two additional trees compatible with the surrounding trees and proposed monopine shall be planted in the existing planter areas to the south of the telecommunication facility to the satisfaction of the Planning Division and prior to the issuance of a building permit.



## NOISE

14. All wireless telecommunication facilities shall be constructed and operated in such a manner as to meet the requirements of the Noise Ordinance.
15. Backup generators shall only be operated during power outages and for testing and maintenance purposes.

## ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

16. Prior to 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.

## BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

17. Per section 6310 of the Carson Municipal Code, all parties involved in the project, including but not limited to contractors and subcontractors, will need to obtain a City Business License.

