



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: April 24, 2012

SUBJECT: Conditional Use Permit No. 849-10
Design Overlay Review No. 1397-10

APPLICANT: Reliant Land Services, Inc. for T-Mobile
Attention: Thomas Mundl (thomas.mundl@rlsusa.com)
1594 N. Batavia St.
Orange, CA 92867

OWNER: Main Street Place LLC
Attention: William Henry
819 Broadway
Santa Monica, CA 90401

REQUEST: To construct an unmanned telecommunications facility designed as a 39-foot high, detached stealthed tower for T-Mobile in the CG-D (Commercial, General; Design Review) zone

PROPERTY INVOLVED: 117 East 223rd Street

COMMISSION ACTION

☐ Concurred with staff

☐ Did not concur with staff

☐ Other

COMMISSIONERS' VOTE

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

ITEM NO. 10A

I. Introduction

Date Application Received

September 29, 2010: Design Overlay Review No. 1397-10 and Conditional Use Permit No. 849-10

Applicant

Reliant Land Services, Inc. for T-Mobile; Thomas Mundl, representative; 1594 N. Batavia St., Orange, CA 92867

Property Owner

Main Street Place LLC; Attention: William Henry; 819 Broadway; Santa Monica, CA 90401

Project Address

117 East 223rd Street

Project Description

To install a 39-foot high, unmanned wireless detached stealthed tower for T-Mobile at an existing commercial retail center.

The stealthed tower will have nine (9) antennas in three sets of three antennas at approximately 39 feet above finished grade.

The facility includes four (4) equipment cabinets located at existing grade level within the proposed tower.

The stealthed tower will be located in the northeastern portion of the property.

The proposal includes the following discretionary requests:

- o *Site Plan and Design Overlay Review No. 1397-10 and Conditional Use Permit No. 849-10 (Use):* Pursuant to Section 9138.16.D, the facility is considered a major wireless telecommunication facility because it is a freestanding structure that requires Planning Commission review and approval

II. Background

Due to the cancellation of the April 10, 2012 Planning Commission meeting, the item was continued to the April 24, 2012 Planning Commission meeting.

Current Use of Property

The project site is 1.3 acres and located on a commercial property developed with a fast food restaurant and a commercial retail center. The property currently has a drive-through restaurant and two one-story, concrete block buildings which occupies multiple tenants with primary commercial uses (retail, market and restaurants). Parking (81 spaces) is located throughout the property.



Previously Approved Discretionary Permits

Design Overlay Review No. 518-90 / Variance No. 335-90: On September 11, 1990, the Planning Commission approved the construction of a retail center and drive-through restaurant. The Planning Commission also approved a variance to remove the required side yard setback.

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 1.3 acres and located at 117 East 223rd Street on the northeastern corner of Main Street and 223rd Street. Adjacent to the subject property to the north is a commercial retail center and single-family homes. To the south is Carson High School (across 223rd Street) and to the east are multi-family residential-zoned properties. A drive-through restaurant is located approximately 100 feet west across Main Street.

Zoning Designation

The subject property is zoned CG-D (Commercial, General; Design Overlay). The properties to the north and south are zoned CG-D (Commercial, General; Design Overlay) and RS (Residential, Single-family). To the east are properties zoned RM-25-D (Residential; Multi-family; 25 units per acre; Design Overlay) and to the west are properties zoned CG-D.

Applicable Zoning Ordinance Regulations

Section 9138.16(B)(8-11, 14, 18) of the Carson Municipal Code (CMC) defines the proposed project as a ground-mounted, stealth, major communications facility. Procedural standards contained in this Section require that a major communications facility shall be subject to the approval of a development plan in accordance with Sections 9172.23, Site Plan and Design Review (DOR), and Section 9172.21, Conditional Use Permit (CUP).

DESIGN OVERLAY REVIEW NO. 1397-10

The Planning Commission may approve Design Overlay Review NO. 1397-10 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 General Commercial within the Land Use Element of the General Plan. The project site is located in the western area of the city of Carson, on the northeastern corner of Main Street and 223rd Street. There are no specific plans for the area. The subject property and properties to the west have a General Plan Land Use designation of General Commercial. Properties to the north, south, and west have a General Plan Land Use designation of General Commercial,

Low Density Residential, and High Density Residential, respectively. The proposed use is a permitted use in the CG-D 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 proposed stealthed tower and the related utilities and equipment shelter will occupy a 12 foot by 14 foot antenna lease area – both located behind a multi-tenant commercial building. The property is generally a trapezoid in shape and has landscape trees located along the southern and western property lines. The property is paved and parking will not be affected. Additional landscape screening is not proposed because the proposed development is intended to resemble a tower which will complement the existing building located along the east side perimeter of the property. As such, the aesthetic impacts will be lessened, thus helping to achieve a harmonious and attractive development of the area.

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

The existing parking will not be affected. A total of 81 parking spaces are required and 81 spaces are provided. The location of the proposed facility will not hinder on-site circulation and parking. The driveway widths and parking spaces will remain code-compliant, thereby adequately maintaining the convenience and safety of circulation for pedestrians and vehicles.

- d. Attractiveness, effectiveness and restraint in signing, graphics and color.

Apart from the required safety, directional or informational signs, no product advertising signs are proposed for the project. The proposed facility is intended to simulate a tower, in terms of shape and appearance. The use of materials and colors similar to the existing buildings will be effective in helping to stealth the facility.

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

The project is compliant with applicable design standards and guidelines.

In addition to the findings in Section 9172.23(D) of the CMC, the Planning Commission shall be guided by the provisions of Subsection F, Development and Design Standards, of Section 9138.16, which includes standards for setbacks, height, wiring, painting, lighting, noise and signs. Also, Subsection H, Findings, of Section 9138.16, which includes the following:

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

This site was chosen for its optimal future capacity coverage. The applicant considered other properties in Carson but the sites did not meet the qualification standards and coverage objectives. Determining factors in site selection included the ability to lease the necessary property, ability to construct the proposed site, conformance to the zoning code, and the ability to provide adequate radio frequency

coverage and connect to surrounding network sites. The subject site was chosen based on these determinants.

- b. The proposed wireless telecommunication facility will be located and designed to minimize the visual impact on surrounding properties and from public streets, 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.

There are a total of 9 panel antennae, which are proposed to be located in 3 sectors (3 panels per sector) at a height of approximately 39 feet. The tower will be painted and contain trim to match the existing buildings. The tower will be setback 168 feet from 223rd Street and 206 feet from Main Street.

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

CONDITIONAL USE PERMIT NO. 849-11

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

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

The proposed use and development will be consistent with General Plan goals, which include promoting sustainable energy, communication, and other systems which meet the needs of the community.

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

The subject property is approximately 1.3 acres in size, trapezoid shape and flat. The site is already developed for commercial use and is located off of two major streets which are surrounded by developed properties that are served by adequate infrastructure and utilities. Thus there are adequate utilities to provide and maintain service to the proposed use. The applicant intends to underground required power, telephone and other utility to their respective sources.

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

Access to the facility for routine maintenance or emergency repair is proposed from Main Street along a twelve (12) foot-wide easement for ingress and egress. The proposed facility will not impact traffic in the vicinity except possibly during the construction phase of the project and for the occasional maintenance vehicle.

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

The Los Angeles County Fire Department has reviewed the proposed project. Their concern did not address water supply adequacy. Based on their review, it is assumed that water supply to the project site is adequate.

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

The proposed use will not negatively impact in the vicinity of the subject site, in terms of parking, traffic, noise and safety. The intended character of the area is for commercial and low and high density residential which the proposed 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 9133 of the CMC outlines special criteria and limitations as indicated below that shall be considered in acting upon a Conditional Use Permit in a commercial zone:

- No excessive electronic interference shall be generated.
- No unusual or unnecessary hazards to aircraft shall be created.
- The height and appearance of structures shall not be detrimental to the character of the surrounding area.

Like all electrical devices, wireless antennas produce electromagnetic fields (EMFs), the invisible lines of force that surround any electric current. City populations 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. Due to the many frequencies separating the various wireless service providers, any adverse effects are not produced. Cellular only uses 3% of the radio frequency spectrum and the cellular transmissions are at very low power levels. Moreover, all FCC licensed wireless service providers are prohibited from maintaining any interference with exiting licensed communication uses, and must comply with all FCC emissions guidelines.

MAJOR EXCEPTION

The Zoning Ordinance allows the Planning Commission to consider of approval of facilities located within 100' of a residential zone to exceed the maximum height described in Section 9138.16(G)(1)(b) subject to approval of a Conditional Use Permit. Such Conditional Use Permit for new facilities shall authorize a height limit in conformance with Subsection G, Major Exceptions, of Section 9138.16. Subsection G provides for a thirty percent increase in the maximum height allowed, which is 30 feet in the CG-D zone. Thus, a total height of 39 feet is allowed if the Planning commission approves a height modification. The height modification can be approved if all of the following findings are made based on evidence submitted by the applicant (EXHIBIT 1):



- a. If the applicant seeks the major exception in order to service the applicant's gap in service, the applicant shall submit an explanation and supporting engineering data establishing that a tower or antenna as proposed is technologically necessary.
- b. If the applicant seeks the major exception in order to accommodate the establishment of a co-located facility, the applicant shall demonstrate that conformance with the code would require the installation of new freestanding communication facility or other less desirable facility.
- c. If seeking a major exception from height standards set forth herein, the applicant shall demonstrate that the proposed height is designed at the minimum height necessary. The applicant shall specifically include an analysis comparing the operation of the facility at its proposed height with its operation at the maximum height permitted herein. The purpose of this analysis is to ensure that additional height is permitted only when technologically necessary for the provision of services. Further, the applicant shall certify that the facility shall not cause a hazard to aircraft.
- d. Locating the antenna in conformance with the specifications for the Section would obstruct the antenna's reception window or otherwise excessively interfere with reception, and the obstruction or interference involves factors beyond the applicant's control and relocation is not an option.
- e. The visual impacts are negligible because the facility is designed to architecturally integrate with the surrounding environment.
- f. Granting the major exception shall conform to the spirit and intent of this zoning code.
- g. Granting the major exception will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity.

The proposed project is designed to resemble a decorative tower to complement the existing buildings on the property. Efforts have been made to architecturally integrate the proposed project with the surrounding environment including similar colors and building materials to existing buildings on the property.

Based upon the information found in the Analysis section, all of the required findings pursuant to Section 9172.23(d), Site Plan and Design Review, Approval Authority and findings and Decision, Section 9171.21(d), Conditional Use Permit, Commission Findings and Decision, as well as all other specific criteria identified for each of the discretionary permits can be made in the affirmative.

Issues of Concern – Parking

Per prior discussions with the property owner, the property owner has agreed to repave the parking lot and restripe existing parking spaces. The following condition will be added:

- The parking lot shall be repaved and parking spaces shall be restriped per approval by the Planning Department.



IV. Environmental Review

The proposed wireless telecommunications facility is exempt from the provisions of the California Environmental Quality Act – Section 15303 – New Construction or Conversion of Small Structures.

V. Recommendation

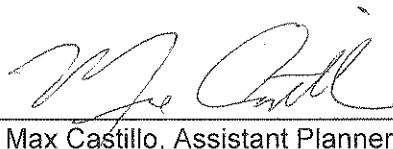
That the Planning Commission:

- **APPROVE** Design Overlay No. 1397-10 and Conditional Use Permit No. 849-10, subject to conditions of approval attached as Exhibit "B" to the Resolution; and
- **WAIVE** further reading and **ADOPT** Resolution No. _____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1397-10, AND CONDITIONAL USE PERMIT NO. 849-10 FOR A MAJOR EXCEPTION TO BUILD A 39-FOOT-HIGH MAJOR COMMUNICATIONS FACILITY DISGUISED AS A TOWER AT A PROPERTY LOCATED AT 117 EAST 223RD STREET."

VI. Exhibits

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

Prepared by:

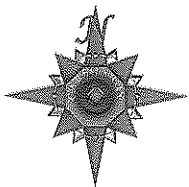
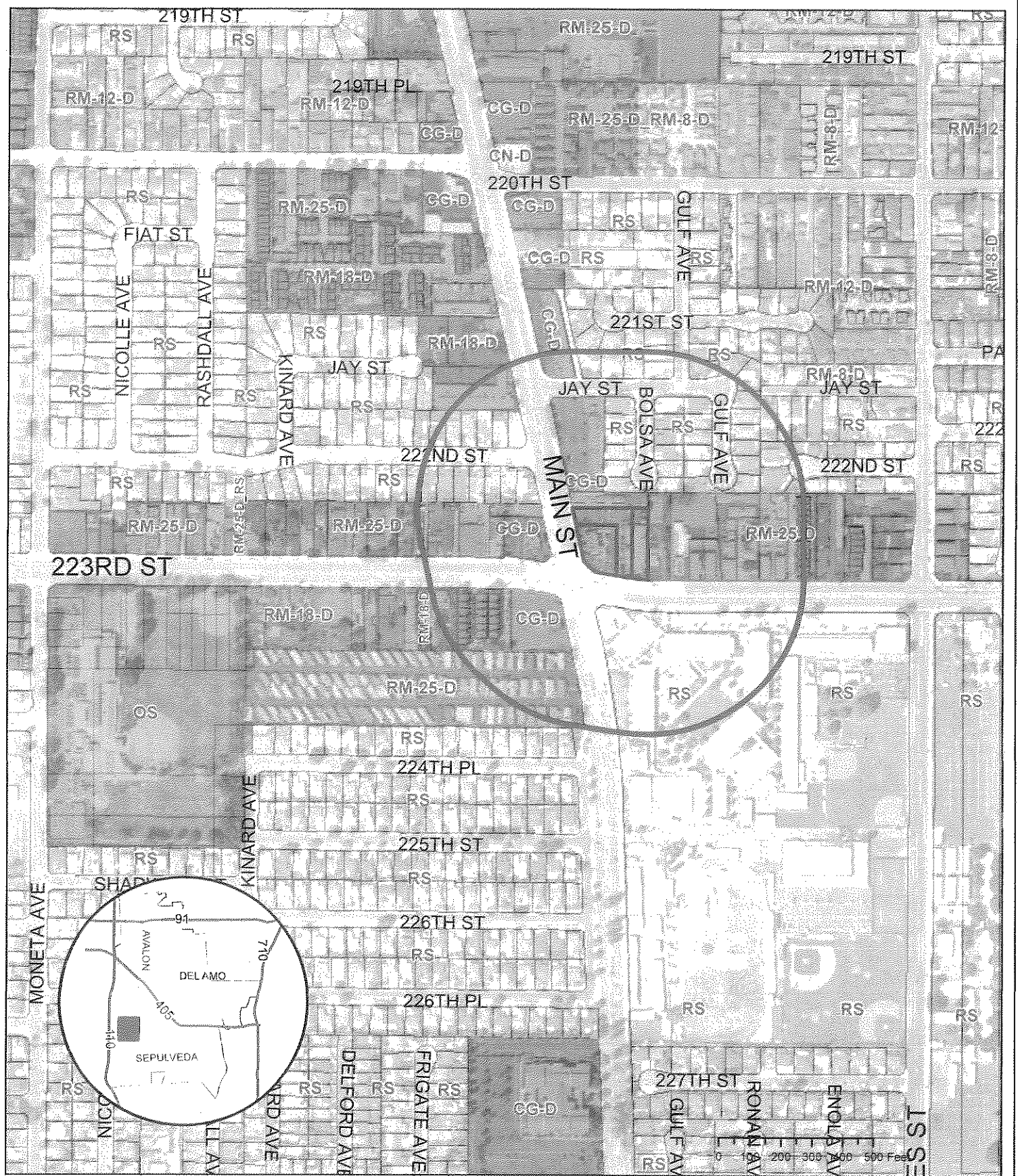

Max Castillo, Assistant Planner

Reviewed by:


John F. Signò, AICP, Senior Planner

Approved by:

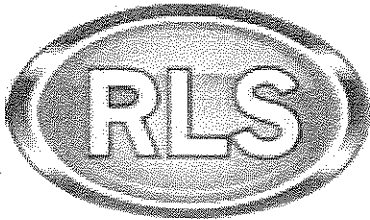

Sheri Repp, Planning Officer



City of Carson
500 Foot Radius Map
111-117 E 223rd St

EXHIBIT NO. 1 -

9



Reliant Land Services, Inc.
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Authorized Agent for T-Mobile

T-Mobile Project Number: LA33769B
T-Mobile Project Name: **Ranch Fish Market**

City of Carson
Application for a Conditional Use Permit and Variance
Project Information and Justification

T-Mobile West Corporation, successor in interest to Omnipoint Communications Inc., (T-Mobile) in conjunction with Mobilitie is requesting approval of a conditional use permit and a variance to allow the construction and operation of an unmanned wireless telecommunications facility and presents the following project information for your consideration.

Project Location

Address: 117 E. 223rd Street
APN: 7335-024-030, 020, 029
Zoning: CR

Project Representative

Name: Ed Gala, Reliant Land Services, Inc.
Address: 1594 N. Batavia Street, Orange, CA 92867
Contact Information: 714-709-1523, edward.gala@rlsusa.com

T-Mobile Contact

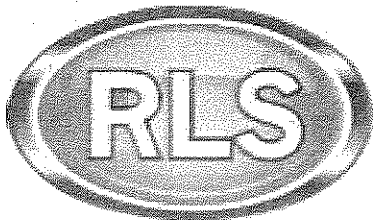
Joe Thompson, Real Estate and Zoning Manager
2008 McGaw Avenue
Irvine, CA 92614

Mobilitie

660 Newport Center Drive, Suite 200
Newport Beach, CA 92660

Project Description

T-Mobile proposes to construct, operate and maintain an unmanned wireless telecommunication facility located at 117 E. 223rd Street on a site already developed with a retail shopping center in the City of Carson. This site is designed to increase radio coverage and capacity near the intersection of 223rd Street and Main Street, Carson High School and the surrounding residential neighborhood and to off load radio traffic from surrounding sites (please refer to the attached map for surrounding site locations). Proposed is the construction of twelve (12) panel antennas in three sectors mounted behind architecturally compatible screen walls of a new 39 foot tall stealth tower located adjacent to the north side of the main retail building in the shopping center. The proposed stealth tower will be set back 168 feet from 223rd Street and 206 feet from Main Street. Radio equipment necessary to operate the proposed facility will be installed on the first floor of the stealth tower and the air conditioning units will be installed on the second floor. The facility will be unmanned requiring only periodic routine



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maintenance visits, approximately once per month. The proposed facility will not have any significant impact to on site parking, circulation, noise, or views from adjacent properties.

Project Objectives

There are several reasons that a wireless carrier has the need to install a cell site at a specific location:

Coverage – No service, or insufficient service, currently existing in the vicinity

Capacity – Service exists, but is currently overloaded or approaching overload, preventing successful call completion during times of high usage.

Quality – Service exists, but signal strength is inadequate or inconsistent.

E911 – Effective site geometry within the overall network is needed to achieve accurate location information for mobile users through triangulation with active cell sites. (Half of all 911 calls are made using mobile phones.)

Enhanced Voice and Data services – Current service does not provide adequate radio-support for advanced services.

Alternative Site Analysis

The following locations were evaluated for possible locations for the facility:

Carson High School – property owner not interested.

Church of the Latter Days Saints on Main Street – Property owner not interested.

Veterans Park- rejected by RF engineering would not provide the needed coverage.

Automatically eliminated from consideration were any locations where unfavorable zoning exists, there is no suitable space available, development standards cannot be met, or are owned by parties that are uninterested in entering into a lease agreement with T-Mobile.

Findings/Burden of Proof

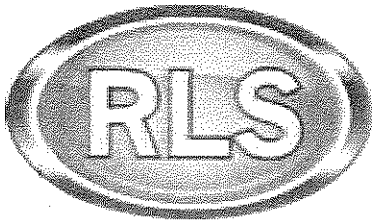
a. The proposed use and development will be consistent with the General Plan.

The proposed project is in conformance with all city General Plan goals by furthering the health, safety, welfare and convenience of city residents with the construction of a wireless telecommunication facility in an area of the city currently experiencing diminished wireless service. The proposed project is in conformance with all Federal Communications Commission (FCC) regulations and standards for wireless telecommunication facilities as documented in the attached FCC RF Certification form. All height, site and screening requirements have been met by this project.

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

The project site is located in an established developed area consisting of a mix of commercial, high density residential, single family and high school land uses. Retail centers have proved themselves to be ideal locations for wireless telecommunication facilities because the antenna use can easily be integrated into the operation and architecture of the retail center having no negative impact to the functioning of this land use or surrounding land uses. Wireless telecommunication is now an





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indispensable part of everyday life and wireless customers expect to be provided nearly flawless radio coverage at all locations and at all times. The subject project will provided radio coverage within the surrounding area to the benefit of the general health, safety, welfare and convenience of the public in the vicinity of this facility. The proposed antennas will be placed behind screen walls setback as far as possible from the nearby public vantage points of Main and 223rd Streets designed to be architecturally compatible with existing building architecture. If viewed the new stealth tower will appear indistinguishable to most observers as a wireless installation and consequently, no significant change to site architecture will occur with this project and no significant visual impact to surrounding land use is anticipated with project approval.

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

The proposed facility will be unmanned requiring approximately one maintenance visit per month and will not have any significant impact to existing roadways and on and off site circulation nor have any impact on the character of existing development in the neighborhood

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

Adequate water supply is available for this project.

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

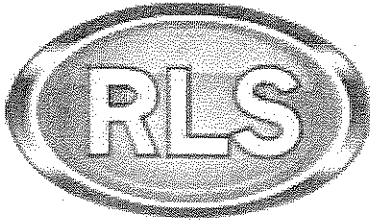
The wireless use itself will have no impact on the character of surrounding land uses except be providing the community benefit of improving wireless service to an area currently experiencing a gap in wireless coverage.

f. Such other criteria as are specified for the particular use in other Sections of this Chapter.

T Mobile is authorized and regulated by the Federal Communications Commission (FCC) to operate their ESMR and PCS systems in the Southern California market area. Transmit power is typically between 100 to 500 watts per antenna sector, transmitting and receiving at a frequency of 1800 MHz. These levels are well below the safety standards established by the FCC and no health impacts are anticipated with this project in conformance with city goals for telecommunication uses. In addition, T Mobile does not oppose co-location on the subject building and has left space for additional wireless carriers. This project design will provide mitigation of future wireless development in the area by allowing for the concentration of additional facilities at one location, thereby minimizing the spread of these facilities throughout the community and providing mitigation of the potential visual impact in more view sensitive locations

Variance Findings

- 1) *Explain what special circumstances area applicable to the property including size, shape, topography, location, or surroundings, so that the strict application of this Development Code*



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deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district.

The subject property is an irregularly shaped commercial parcel developed with a retail center. Surrounding the project site are numerous tall trees and other vertical infrastructure. Since wireless telecommunications is a line of site technology, the nearby tall trees will block the signal from the proposed facility. Consequently, an antenna height of 39 feet is needed in order for this facility to operate efficiently. (Please see attached propagation maps for further evaluation of existing and proposed radio coverage.)

In addition the proposed stealth tower is designed for the co-location of up to two wireless carriers allowing for the concentration of antennas in one location rather than placing numerous antenna sites throughout the community. This in turn mitigates the potential visual impacts of additional cell sites by avoiding the need to place additional lower sites in more view sensitive areas of the city. This is contrary to the city's goals of limiting the spread of wireless installations throughout the city.

Granting of the requested height variance will allow for the placement of a wireless telecommunication facility in area currently experiencing wireless coverage interference. This new installation will provide a substantial benefit to the health, safety and welfare of city residents with regard to their general and emergency communication needs in conformance with the city's General Plan goals.

Major Exception:

1. Enclosed are revised propagation maps showing the gap in coverage which T-Mobile needs to fill. In order to have reliable wireless service the signal strength must be at least -76 dbm. The signal strength measurement describes power ratio in decibels. As a reference:

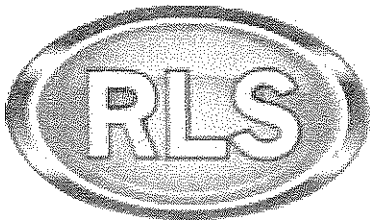
- 0 dbm is equal to 1 milliwatt
- -76 dbm is equal to 20 pico watts
- -84dbm is equal to 3 pico watts.
- -91dbm is equal 0.7 pico watts.

A pico watt is (10^{-12}) of a watt.

T-Mobile's drive test data indicates that the surrounding area has a dbm level substantially below the -76dbm threshold. This constitutes a significant gap in coverage which T-Mobile obligated to close per their FCC license requirements.

2. None of the nearby structures or buildings are of an adequate height in which to mount antennas and also fill the gap in coverage which this project addresses. There are no other suitable properties or structures where a wireless telecommunication facility can be located. Co-location at the subject property would only be possible if there is adequate height to allow a second lower antenna array to meet the minimum coverage footprint of that carrier. Limiting the proposed stealth tower to a maximum 30 foot height would preclude collocation at this facility.

3. Restricting the subject facility to a 30 foot maximum height will shrink the coverage footprint to a level where gaps in coverage will still remain. This will necessitate the installation of a number of right of way sites in the surrounding residential area in order to cover the area in question.



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4. Restricting the maximum antenna height to 30 feet will render this site unusable due to signal interference from nearby taller vegetation and buildings. Since wireless communication is a line of site technology, the antennas must be able to see over any nearby obstructions. The high school across the street and nearby apartment buildings are built at or near the 30 foot height limit which necessitates the requested nine foot height exemption.
5. The proposed tower is designed to resemble a shopping center identification sign which is a common architectural feature throughout the Southern California region. As such it will blend with on site architecture and no visual impact is anticipated with project approval.
6. The proposed project is in conformance with the intent of this ordinance.
7. The subject project will provided radio coverage within the surrounding area to the benefit of the general health, safety, welfare and convenience of the public in the vicinity of this facility. The proposed antennas will be placed behind screen walls setback as far as possible from the nearby public vantage points of Main and 223rd Streets designed to be architecturally compatible with existing building architecture. If viewed the new stealth tower will appear indistinguishable to most observers as a wireless installation and consequently, no significant change to site architecture will occur with this project and no significant visual impact to surrounding land use is anticipated with project approval.

Company Information

T-Mobile is licensed by the Federal Communications Commission (FCC) to operate in the 1950.2-1964.8, 1965.2-1969.8 MHz and 1870.2-1884.8-1889.8 MHz frequencies, and is a state-regulated Public Utility subject to the California Public Utilities Commission (CPUC). T-Mobile is one of the fastest growing nationwide service providers offer all digital voice, messaging and high-speed data services to nearly 30 million customers in the United States.

T-Mobile will operate this facility in full compliance with the regulations and licensing requirements of the FCC, Federal Aviation Administration (FAA) and the CPUC, as governed by the Telecommunications Act of 1996, and other applicable laws.

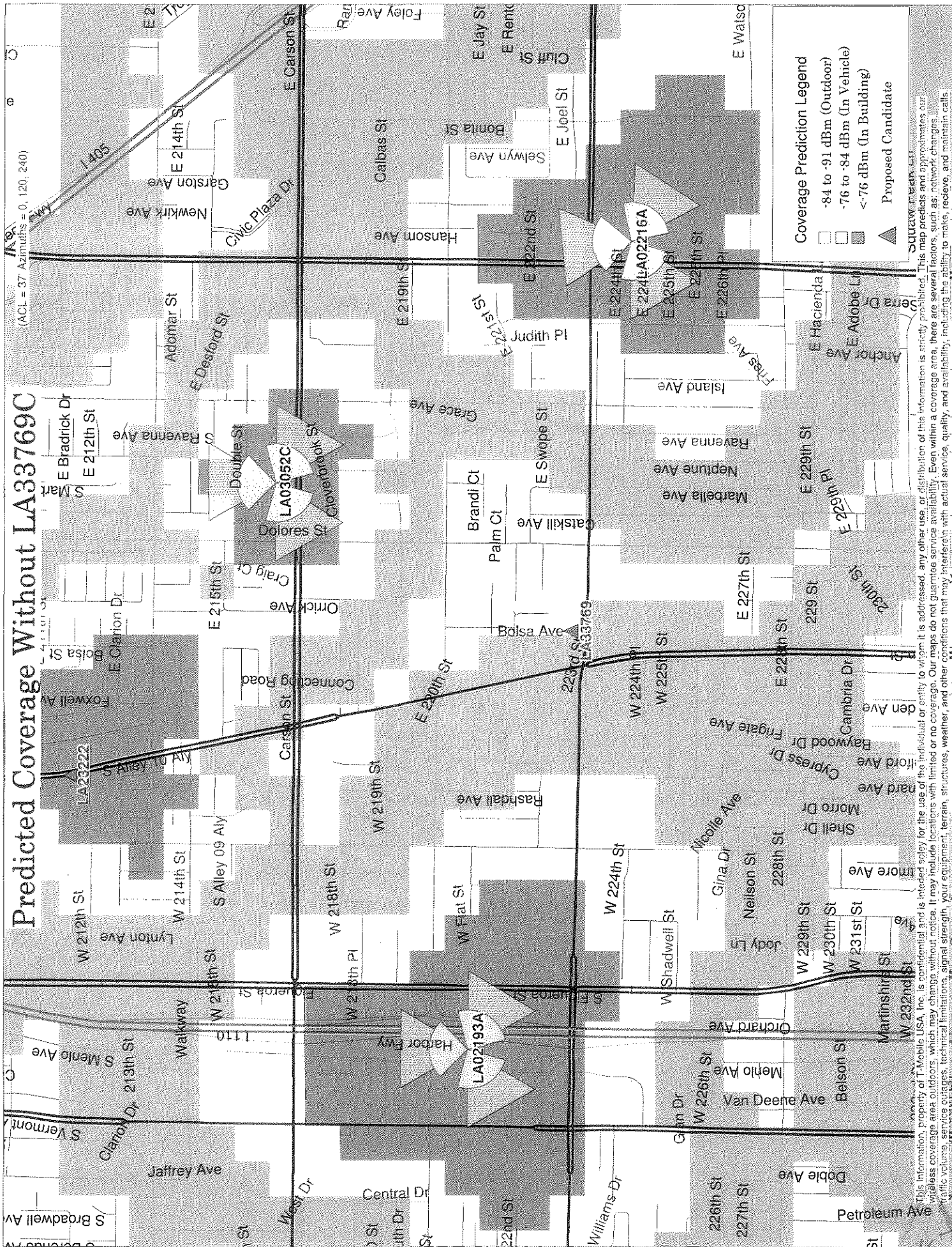
The enclosed application is presented for your consideration, and T-Mobile request a favorable determination and approval of a conditional use permit to build the proposed facility. Please contact me at 714-709-1523 for any questions or requests for additional information.

Respectfully submitted,

Ed Gala, RLS
Authorized Agent for T-Mobile



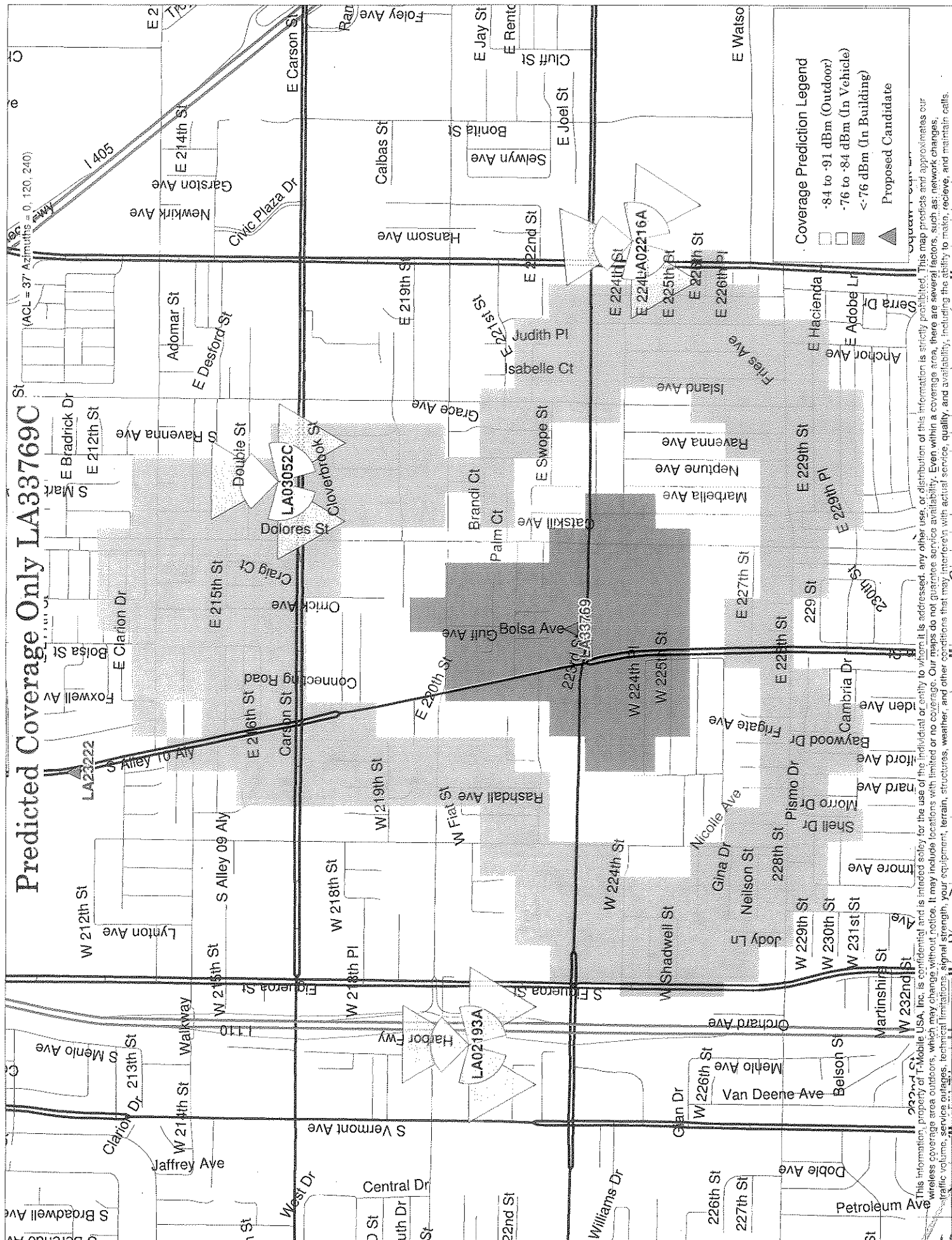
Predicted Coverage Without LA33769C



(ACL = 37' Azimuths = 0, 120, 240)



Predicted Coverage Only LA33769C

 $(ACL = 37' \text{ Azimuths} = 0, 120, 240)$ 

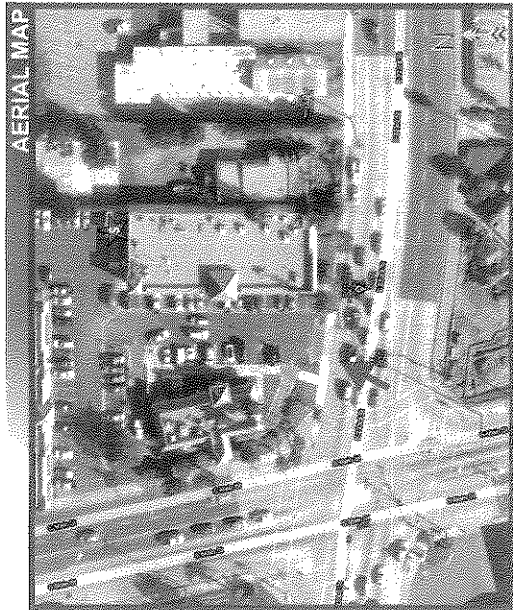
This information, property of i-Mobile USA, Inc. is confidential and is intended solely for the use of the individual or entity to whom it is addressed. Any other use, or distribution of this information is strictly prohibited. This map predicts and approximates our wireless coverage areas outdoors, 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 providers, technical limitations, signal strength, your equipment, terrain, structures, weather, and other conditions that may interfere with actual service, quality, and availability, including the ability to make, receive, and maintain calls.

T-Mobile

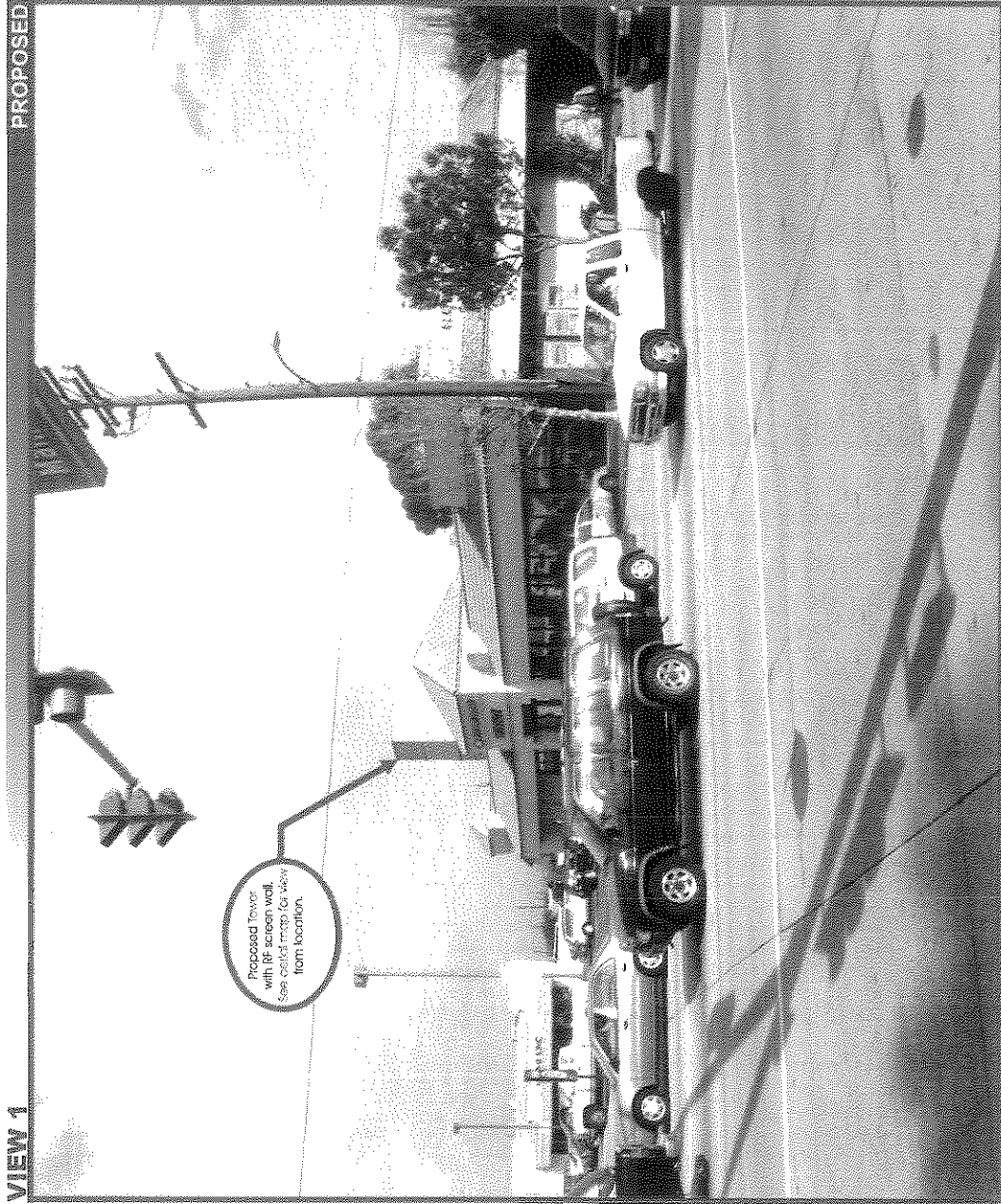
LA33769-C Ranch Fish Market

117 E. 223rd St., Carson, CA 90745

Prepared For:
Reliant Land Services
1594 N. Batavia Street
Orange, CA 92666
714-685-0123



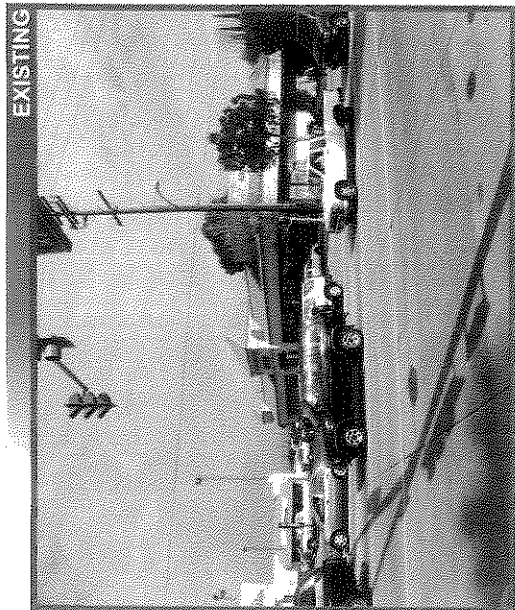
AERIAL MAP



VIEW 1

PROPOSED

Proposed Tower
with RF screen wall.
See called map for view
from location.



EXISTING

T-Mobile

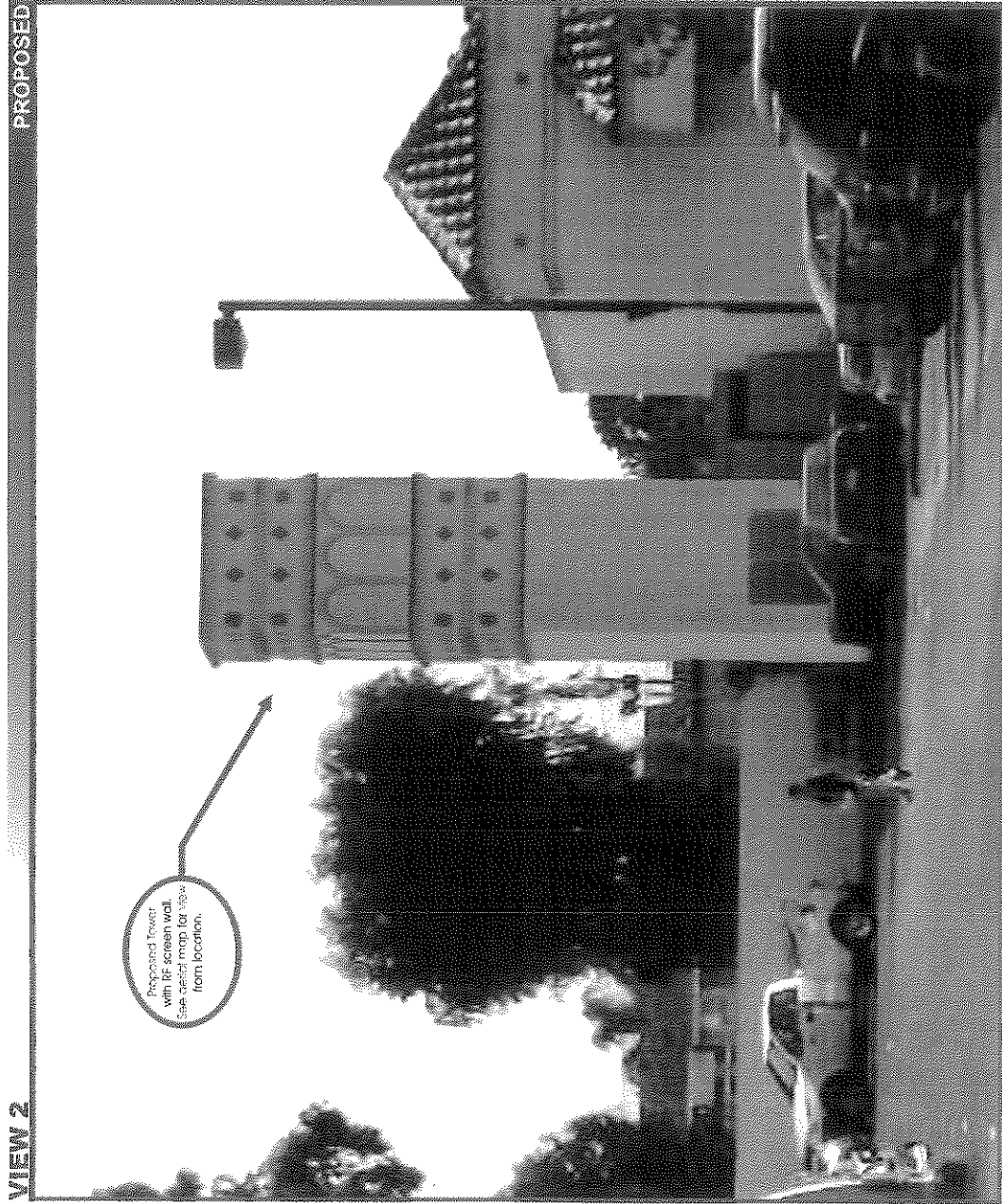
LA33769-C Ranch Fish Market

117 E. 223rd St., Carson, CA 90745

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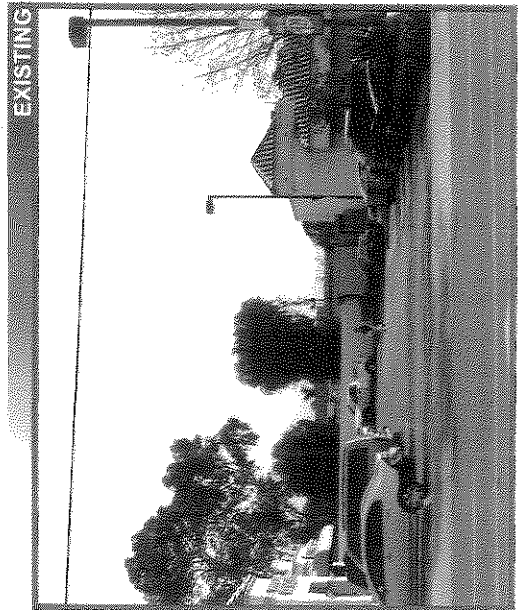


AERIAL MAP



VIEW 2

PROPOSED



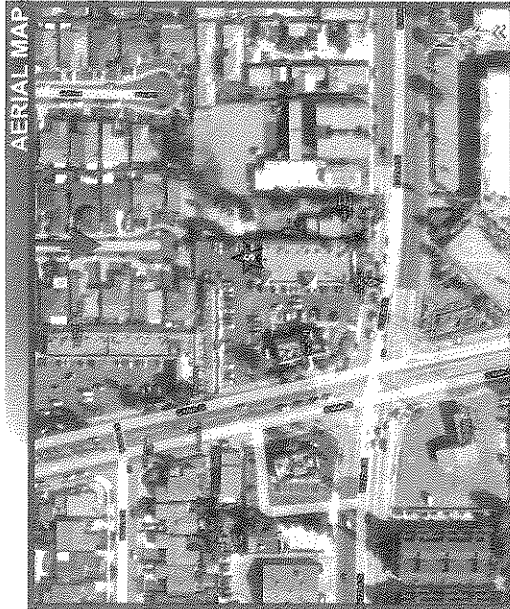
EXISTING

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LA33769-C Ranch Fish Market

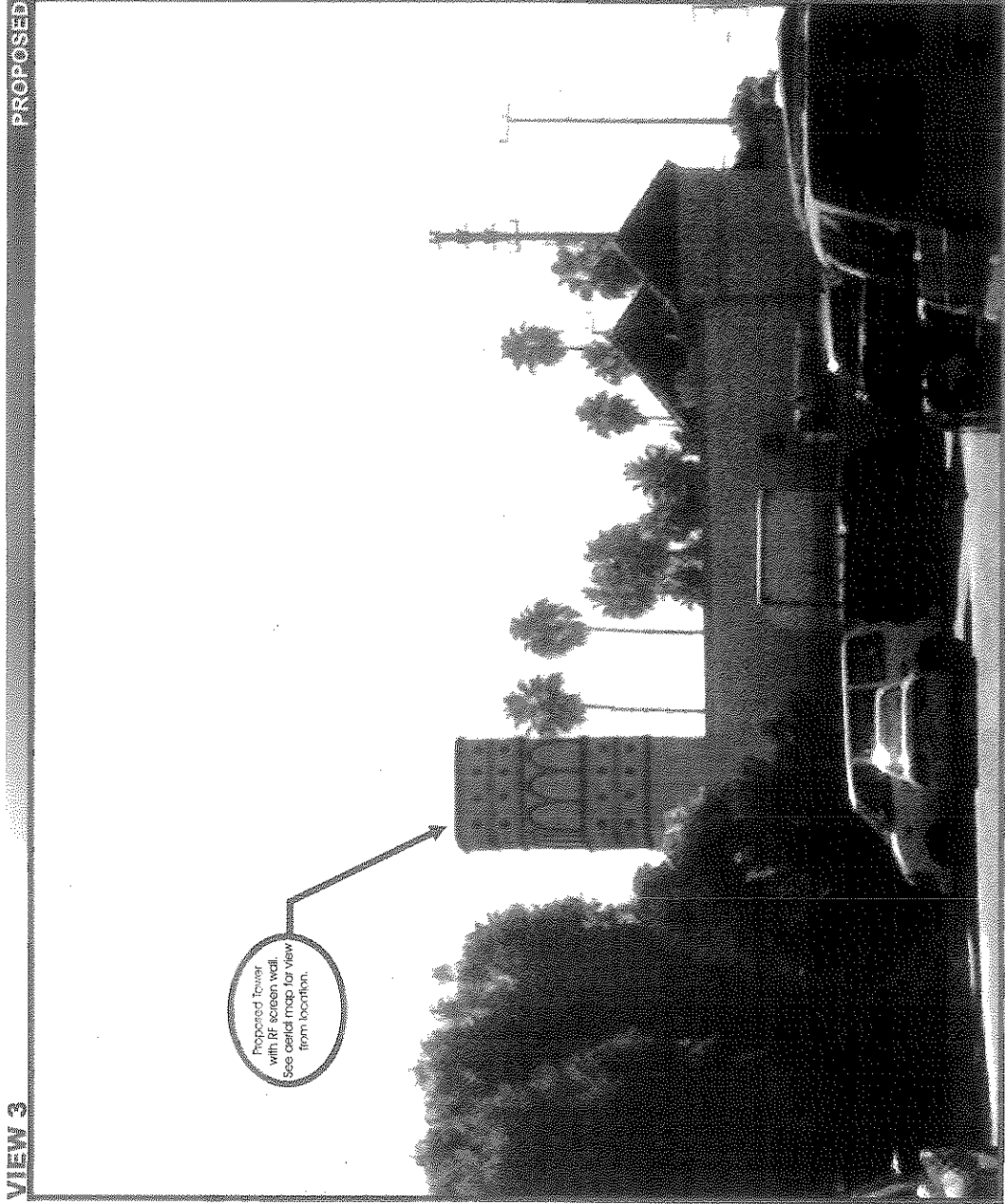
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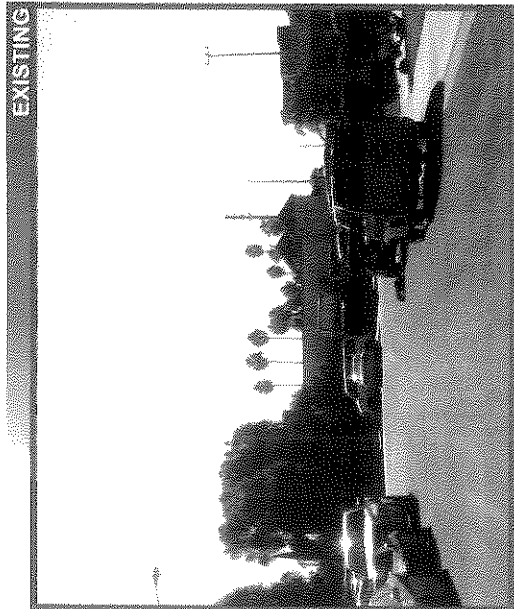


AERIAL MAP

VIEW 3



PROPOSED



EXISTING

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW
NO. 1397-10, AND CONDITIONAL USE PERMIT NO. 849-10 FOR
A MAJOR EXCEPTION TO BUILD A 39-FOOT-HIGH MAJOR
COMMUNICATIONS FACILITY DISGUISED AS A TOWER AT A
PROPERTY LOCATED AT 117 EAST 223RD 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, Reliant Land Services, Inc., with respect to real property located at 117 East 223rd Street and described in Exhibit "A" attached hereto, requesting approval to construct a 39-foot-high, major communications facility disguised as a tower on a 1.3-acre property in the CG-D (Commercial, General – Design Overlay) zoning district.

A public hearing was duly held on April 24, 2012, at 6:30 P.M. at the Carson 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. Pursuant to the following Section 9172.23(D), Site Plan and Design Review – Approving Authority Findings and Decision; Section 9172.21(D) – Commission Findings and Decision; Section 9143 – Conditional Use Criteria; and Section 9138.16(H) – Required Findings of the Carson Municipal Code, the Planning Commission finds that:

- a) The subject property is designated as General Commercial within the Land Use Element of the General Plan. The project site is located in the western area of the city of Carson, on the northeastern corner of Main Street and 223rd Street. There are no specific plans for the area. The subject property and properties to the west have a General Plan Land Use designation of General Commercial. Properties to the north, south, and west have a General Plan Land Use designation of General Commercial, Low Density Residential, and High Density Residential, respectively. The proposed use is a permitted use in the CG-D 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) The proposed stealthed tower and the related utilities and equipment shelter will occupy a 12 foot by 14 foot antenna lease area – both located behind a multi-tenant commercial building. The property is generally a trapezoid in shape and has landscape trees located along the southern and western property lines. The property is paved and parking will not be affected. Additional landscape screening is not proposed because the proposed development is intended to resemble a tower which will complement the existing building located along the east side perimeter of the property. As such, the aesthetic impacts will be lessened, thus helping to achieve a harmonious and attractive development of the area.

- c) Access to the facility for routine maintenance or emergency repair is proposed from Main Street along a twelve (12) foot- wide easement for ingress and egress. The proposed facility will not impact traffic in the vicinity except possibly during the construction phase of the project and for the occasional maintenance vehicle. Safety and convenience of vehicular and pedestrian access will not be hindered by the proposed development and its location. A total of 81 parking spaces are required and 81 spaces are provided. The driveway widths and parking spaces will remain code-compliant, thereby adequately maintaining the convenience and safety of circulation for pedestrians and vehicles.
- d) Apart from the required safety, directional or informational signs, no product advertising signs are proposed for the project. The proposed facility is intended to simulate a tower, in terms of shape and appearance. The use of materials and colors similar to the existing buildings will be effective in helping to stealth the facility.
- e) This site was chosen for its optimal future capacity coverage. The applicant considered other properties in Carson but the sites did not meet the qualification standards and coverage objectives. Determining factors in site selection included the ability to lease the necessary property, ability to construct the proposed site, conformance to the zoning code, and the ability to provide adequate radio frequency coverage and connect to surrounding network sites. The subject site was chosen based on these determinants.
- f) The site is already developed for commercial use and is located off of two major streets which are surrounded by developed properties that are served by adequate infrastructure and utilities. Thus there are adequate utilities to provide and maintain service to the proposed use. The applicant intends to underground required power, telephone and other utility to their respective sources.
- g) The proposed use will not negatively impact in the vicinity of the subject site, in terms of parking, traffic, noise and safety. The intended character of the area is for commercial and low and high density residential which the proposed use is compatible.
- h) The proposed major communications facility is located and designed to minimize the visual impact on surrounding properties and from public streets, including stealthing which includes disguising the facility to resemble a tower. The tower will be painted and contain trim to match the existing buildings. The tower will be setback 168 feet from 223rd Street and 206 feet from Main Street.
- i) The proposed major communications 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 9172.23(D), Site Plan and Design Review – Approving Authority Findings and Decision; Section 9172.21(D) – Commission Findings and Decision; Section 9143 – Conditional Use Criteria; and Section 9138.16(H), Communications Facilities – Required Findings of the Carson Municipal Code, can be 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 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 15303 - New Construction or Conversion of Small Structures.

Section 5. Based on the aforementioned findings, the Commission hereby grants Design Overlay Review No. 1397-10 and Conditional Use Permit No. 849-10 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 24th DAY OF APRIL, 2012.

CHAIRMAN

ATTEST:

SECRETARY

Exhibit "A"

Legal Description

PARCEL 1:

That portion of Lot 5 of Tract No. 2982, in the City of Carson, County of Los Angeles, State of California, as per map recorded in Book 35, Page 31 of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the Northwest corner of said Lot 5; thence along the Northerly line of said Lot 5, North 89° 43' 00" East 260.88 feet to the Northwest corner of the land described in the deed to Cleo S. Hartley and wife, recorded January 18, 1949, as Instrument No. 93, in Book 29184, Page 71, of Official Records of said County; thence along the Westerly line of the land described in said deed, South 0° 17' 00" East 50.00 feet; thence parallel with the Northerly line of said Lot 5, South 89° 43' 00" West to the Westerly line of said Lot 5; thence along said Westerly line, North 12° 38' 00" West to the point of beginning.

PARCEL 2:

That portion of Lot 5 of Tract No. 2982, in the City of Carson, County of Los Angeles, State of California, as per map recorded in Book 35, Page 31 of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the intersection of the Southerly line of said Lot 5 with the Westerly line of the land described in the deed to Cleo S. Hartley and wife, recorded January 18, 1949, as Instrument No. 93, in Book 29184, Page 71, of Official Records of said County; thence along said Westerly line, North 0° 17' 00" West 255.00 feet to the intersection with the Southerly line of the land described in deed to Paul Richardson and wife, recorded February 27, 1956, as Instrument No. 598, in Book 50421, Page 57, of Official Records of said County; thence along said Southerly line and its prolongation, South 89° 43' 00" West to the Westerly line of said Lot 5; thence along said Westerly line, South 12° 38' 00" East to the intersection with the Westerly prolongation of the Northerly line of the land described in that certain document recorded February 14, 1977, as Instrument No. 77-157920, of Official Records of said County; thence along said prolongation to and along said Northerly line, North 89° 43' 00" East to the Northeast corner thereof; thence along the Easterly line of the land described in said certain document, South 0° 17' 00" East to the Southerly line of said Lot 5; thence along said Southerly line, North 89° 43' 00" East to the point of beginning.

EXCEPT that portion of said land described in the deed to the County of Los Angeles, recorded November 13, 1956, as Instrument No. 4437, in Book 52838, Page 104, of Official Records of said County.

PARCEL 3:

That portion of Lot 5, Tract No. 2982, in the City of Carson, County of Los Angeles, State of California, as per map recorded in Book 35, Page 31 of Maps, in the office of the County Recorder of said County, described as follows:

Commencing at the intersection of the centerline of Main Street, 80 feet wide, with the centerline of Wilmington Street, 50 feet wide, now 223rd Street, 100 feet wide, as said streets are shown on said map; thence along said centerline of Wilmington Street, North 89° 44' 00" East, 179.00 feet; thence at right angles to last said centerline, North 0° 16' 00" West, 57.91 feet to a point in the Northerly line of said 223rd Street, as said Street is shown on County Surveyor's Map No. B-793, Sheet 1, said Northerly line being a non-tangent curve concave Northerly and having a radius of 950.00 feet, a radial line of said curve to said point bears South 7° 07' 57" West, last said point also being the true point of beginning; thence continuing North 0° 16' 00" West, 168.00 feet; thence at right angles, South 89° 44' 00" West, 177.36 feet to the Easterly line of the Westerly 10.00 feet of said Lot 5; thence along said Easterly line, South 12° 38' 00" East, 120.00 feet to the most Northerly corner of the land described in Parcel "C" of the deed to the County of Los Angeles, recorded in Book 52984, Page 238, of Official Records of said County; thence along the Northeasterly line of said Parcel "C", South 47° 11' 35" East, 49.41 feet to the said Northerly line of 223rd Street; thence along last said Northerly line South 81° 45' 10" East, 98.34 feet to the beginning of a tangent curve, being the same curve as hereinbefore described; thence Easterly along said curve, an arc distance of 18.48 feet to the true point of beginning.

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CITY OF CARSON
ECONOMIC DEVELOPMENT SERVICES
PLANNING DIVISION

EXHIBIT "B"

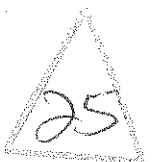
CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 849-10

DESIGN OVERLAY REVIEW NO. 1397-10

GENERAL CONDITIONS

1. If a building permit is not issued within one year of the date of approval of Design Overlay Review No. 1397-10 and Conditional Use Permit No. 849-10, 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. 1397-10 and Conditional Use Permit No. 849-10. 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.

PARKING

10. The required parking shall meet all applicable standards as outlined in Part 6, Division 2 of the Carson Zoning Ordinance.
11. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
12. The parking lot shall be repaved and parking spaces shall be restriped per approval by the Planning Department.

UTILITIES

13. All utility lines will be painted the same color as the structures to reduce visibility.

AESTHETICS

14. The specification of all colors and materials and texture treatment must be submitted and approved by the Planning Division prior to the issuance of any building permits.



15. All electrical and equipment wiring shall be placed underground or concealed within the building or structure in which the facility will be mounted.
16. The major communications facility shall not exceed 39 feet in height.
17. The stealthed tower shall be painted and contain trim to match the existing buildings.
18. Graffiti shall be removed from all project areas within 3 days of written notification by the City of Carson. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Commission for review and further consideration of site modifications (i.e., fencing, landscaping, chemical treatment, etc.).

SIGNS

19. The display of any sign or any other graphic on a communications facility or on its screening is prohibited, except for signs for health, safety, and welfare purposes, which is required to be posted in case of an emergency. Emergency signs shall be visibly posted at the facility and shall include contact information including the phone number of the utility provider.

FENCES/WALLS

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

LIGHTING

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

NOISE

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

BUILDING AND SAFETY

24. Submit for plan check, obtain all building permits and have a final inspection conducted for proposed project.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

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



ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

26. Repair any broken or raised/sagged sidewalk, curb and gutter within the public right of way along Main Street abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
27. All new utility lines servicing the proposed development shall be underground to the satisfaction of the City Engineer.
28. Any existing off-site improvements damaged during the construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.
29. A construction permit is required for any work to be done in the public right-of-way.
30. Proof of Worker's Compensation and Liability Insurance shall be submitted to the city prior to issuance of a construction permit.

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

31. 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.

OTHER

32. Future modifications to the approved development plans, including the installation of additional panels and equipment cabinetry, shall be subject to Planning Division review and approval. If deemed to be major modifications, the Planning Commission shall be the approval authority.
33. Per Section 9138.16.F.9. – Communications Facilities – Design and Development Standards - of the Carson Municipal Code, a performance bond for code compliance and facility removal shall be submitted prior to Building plan check submittal. The performance bond shall be filed by the applicant with the City Clerk's office. The bond may consist of an estimated valuation by the applicant's contractor.

