



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: January 27, 2009

SUBJECT: (A) Design Overlay Review No. 1287-08,
Conditional Use Permit No. 715-08
(B) Design Overlay Review No. 1292-08,
Conditional Use Permit No. 716-08

APPLICANT: (A) AT&T, Reliant Land Services (Thomas Mundl)
1588 N. Batavia Street, Orange, CA 92867
(B) Royal Street Communications (Maree Hoeger)
1028 Saga Street, Glendora, CA 91741

REQUEST: Roof-mounted cellular telecommunication facilities
and related equipment within an existing office
building in the MU-CS (Mixed Use – Carson
Street) zone.

PROPERTY INVOLVED: 357 E. Carson Street

COMMISSION ACTION

Concurred with staff

Did not concur with staff

Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Cannon
		Vice-Chair Saenz			Gordon
		Brimmer			Graber
		Brown			Verrett

I. Introduction

This item is a request from two separate applicants for the Planning Commission to consider and approve the following similar development applications for the property located at 357 E. Carson Street:

- Design Overlay Review (DOR) Nos. 1287-08 and 1292-08 – Roof-mounted cellular telecommunication facilities and related equipment within existing office building within 100 feet of a residence; and
- Conditional Use Permit (CUP) Nos. 715-08 and 716-08 - To permit a roof mounted cellular telecommunication facility in the MU-CS (Mixed Use – Carson Street) zone.

Related to these applications, was a request from Royal Street Communications (co-sponsored by the City of Carson) for the Planning Commission to consider and recommend to the City Council approval of the following ordinance amendment to the Carson Municipal Code:

- Ordinance (Text) Amendment No. 09-1418 – To modify mend Article IX, Section 9131.1 and Section 9138.17, concerning conditional use permit requirements for cellular telecommunication facilities and permitted uses in the Mixed-Use Carson Street Zone.

The latest zoning code supplement shows that this change was already made to Section 9131.1 of the Carson Municipal Code (CMC). The conditional use permit requests were required by the proposed text amendment. Section 9131.1 now subjects new minor cellular telecommunication facilities in the MU-CS zone to requirements outlined in Section 9138.16 of the CMC, but does not require a conditional use permit for wireless facilities deemed to be minor in nature (i.e. building-mounted and stealthed). Therefore, the CUP requests have been removed from discussion for the purposes of this report. Also, there are no CUP findings in the attached resolutions or associated conditions of approval exhibits.

The DOR applications will be analyzed in this report because Section 9138.16 of the CMC requires that a Site Plan and Design Review be conducted for minor wireless facilities and that the Planning Commission be the approval authority if the proposed site is within 100 feet of existing residential development.

Upon further investigation, it was found that other discrepancies exist between permitted uses sections regarding the Mixed-Use Carson Street zone, the Mixed-Use Sepulveda Boulevard zone, and other commercial zones. Staff has determined that a more comprehensive update to these codes and related Sections is needed. Staff is presenting Ordinance Amendment No. 09-1418 in a separate report to the Planning Commission and has requested that it be brought back to the Commission at a later date.

II. Background

The subject property for the proposed projects is located at 357 E. Carson Street, on the north side of Carson Street between Grace Avenue and Dolores Street. The subject property is approximately 26,000 square feet (0.60 acres) in area. A crème-



colored stucco two-story, Spanish-style office building constructed in 1992 is located in the middle of the subject property. There is adequate parking and landscaping located on the property, consistent with applicable municipal codes. The existing office structure is 30 feet in height. The roof of the structure is covered in terra cotta tiles. There are two existing parapet extensions, both five feet in height, located on the northeast and northwest corners of the building, visible from Carson Street. These were constructed for a previously approved cellular facility that is currently in operation. There are four telecommunication panels located behind each parapet extension. Equipment cabinetry is located within a tenant space inside on the second floor of the building. The applicants propose to extend the existing parapets, construct additional similarly designed parapets with additional telecommunication panels on the south side of the building, and place their equipment cabinetry inside separate tenant spaces on the second floor.

III. Analysis

Design Overlay Review No. 1287-08

The applicant, AT&T, proposes to construct additional parapets to screen panel antennas that will be installed along the east and west sides, and at the northwest corner of the building. The proposed parapets will match those that currently screen the existing cell panels at the north corners of the building. All necessary telephone and electric cabling will be placed in conduits along the building roof-top and connected to the existing utility room on the first floor of the building and new equipment cabinetry installed in a tenant space on the second floor.

Design Overlay Review No. 1292-08

The applicant, Royal Street Communications, proposes to extend the existing parapets on the north corners of the building and install additional panel antennas behind these extensions. In addition, Royal Street proposes to construct a new similarly-designed parapet along the middle of the southern edge of the rooftop with panel antennas behind this new parapet. The new parapet will match those that currently screen the existing cell panels at the north corners of the building. Consistent with the similar proposal before the Planning Commission, all necessary telephone and electric cabling will be placed in conduits along the building roof-top and connected new equipment cabinetry installed in a separate tenant space on the second floor.

Findings: Design Overlay Review

CMC Section 9138.16 requires the Planning Commission to approve a site plan for any cellular telecommunication facility deemed minor and within 100 feet of a residential use. Pursuant to CMC section 9172.23, Site Plan and Design Review, the Planning Commission may approve the development plans for the proposed facade remodel and related improvements if the following findings can be made in the affirmative:

- a). *Compatibility with the General Plan, any specific plans for the area, and surrounding uses.*

The subject property is zoned MU-CS (Mixed Use – Carson Street) and has a General Plan Land Use designation of GC (General Commercial), which is consistent with the zoning designation. Surrounding uses include a mixed-use commercial and residential development, vacant land, an active senior housing complex, and single-family residential. The proposed use is compatible with the General Plan and surrounding uses. The subject property is within the MU-CS zone, for which specific development guidelines are provided for in Section 9138.17 of the CMC. The development plans include a stealth design with adequate screening of the proposed facilities from public view, consistent with standards outlined in Section 9138.16.

- b). *Compatibility of architecture and design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open spaces and other features relative to a harmonious and attractive development of the area.*

The existing office structure is 30 feet in height, consistent with municipal code requirements for commercial zones. The parapet used to screen the proposed facility will be finished at a height of 35 feet which is permitted by Section 9138.16, provided the facility utilizes the existing architecture of the building and is incorporated as a stealth design, so no visual impacts are present from the increased height.

- c). *Convenience and safety for pedestrians and vehicles.*

The proposed cellular facility and does not affect or impact the safe circulation of either pedestrian or vehicular traffic as the facility is essentially unmanned and incorporated into an existing office building.

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

The signage exists for the cellular facility other than what is required for safety purposes for the equipment cabinets. The color of the parapet will match the color and texture of the existing building. The equipment cabinetry will be located in a second floor tenant space within the existing office building.

- e). *Development scheduling (if phased development) which will satisfy the above criteria in each phase.*

There is no phased development plan for the proposed project.

- f). *Conformance to any applicable design standards and guidelines which have been adopted pursuant to Section 9172.15. Such design standards and guidelines may be generally applicable or may specify different requirements for different areas.*

There is an existing cellular facility located atop the office building. The subject proposal is consistent with required findings found in Section 9138.16 in that it promotes co-location by occupying additional space on a building rooftop currently being used by another similar facility.



Required Findings: Section 9138.16(H): Cellular telecommunication facilities

Pursuant to CMC section 9138.16(H), Cellular Telecommunication Facilities, the Planning Commission may approve the proposed use if the following findings can be made in the affirmative:

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

The subject property is zoned MU-CS (Mixed Use – Carson Street) and has a General Plan Land Use designation of GC (General Commercial), which is consistent with the zoning designation.

- b). *The proposed wireless telecommunications 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;*

The proposed project will be located and designed to minimize the visual impact on surrounding properties and from public streets, including adequate screening and stealthing of the proposed facility through use of materials, colors, and architectural design within the structure upon which it will be mounted.

- c). *The proposed wireless telecommunications 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 development proposals involve being located atop an existing building built specifically for office and/or commercial uses. There is no residential dwelling on the subject property.

IV. Environmental Review

Pursuant to Section 15332 of the California Environmental Quality Act (CEQA), the proposed projects are considered in-fill development projects. No further significant environmental impacts would result from this proposal.

V. Recommendation

That the Planning Commission:

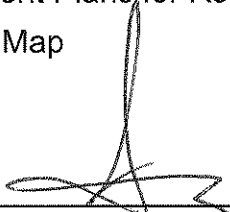
1. **WAIVE** further reading;
2. **ADOPT** Resolution No. _____ entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1287-08 REGARDING THE INSTALLATION OF A ROOF-MOUNTED TELECOMMUNICATION FACILITY AND RELATED EQUIPMENT ON AN EXISTING 2-STORY OFFICE BUILDING LOCATED AT 357 E. CARSON STREET"; and

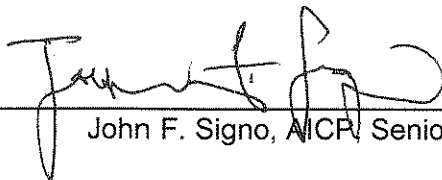



3. **ADOPT** Resolution No. _____ entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1292-08 REGARDING THE INSTALLATION OF A ROOF-MOUNTED TELECOMMUNICATION FACILITY AND RELATED EQUIPMENT ON AN EXISTING 2-STORY OFFICE BUILDING LOCATED AT 357 E. CARSON STREET."

VI. Exhibits

1. Draft Resolution for Design Overlay Review No. 1287-08
2. Draft Resolution for Design Overlay Review No. 1292-08
3. Development Plans for AT&T (Reliant Land Service – Thomas Mundl)
4. Development Plans for Royal Street Communications (Maree Hoeger)
5. Land Use Map

Prepared by: 
Steven C. Newberg, AICP, Associate Planner

Reviewed by: 
John F. Signo, AICP, Senior Planner

Approved by: 
Sheri Repp, Planning Manager



**CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 09-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW
NO. 1287-08 REGARDING THE INSTALLATION OF A ROOF-
MOUNTED TELECOMMUNICATION FACILITY AND
RELATED EQUIPMENT ON AN EXISTING 2-STORY OFFICE
BUILDING LOCATED AT 357 E. CARSON 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, AT&T (Reliant Land Services – Thomas Mundi), with respect to real property located at 357 E. Carson Street and described in Exhibit "A" attached hereto, requesting the approval a Design Overlay Review (DOR) to allow construction of a roof-mounted cellular telecommunication facility and related equipment stored inside a tenant space within the building. The subject property is within the MU-CS (Mixed Use – Carson Street) zone.

A public hearing was duly held on January 27, 2009, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

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

Section 3. Pursuant to Sections 9172.23(d) and 9138.16(h) of the Carson Municipal Code (CMC), the Planning Commission finds that:

- a) The proposed facility adheres to the goals and policies described in the Land Use Element of the General Plan. According to this document, "Commercial activities should be screened or buffered from adjacent residential uses wherever possible." This project achieves this goal by incorporating a "stealth" design which utilizes an expanded parapet colored and stuccoed to match the existing office building to screen the proposed facility.
- b) The existing office structure is 30 feet in height, consistent with municipal code requirements for commercial zones. The parapet used to screen the proposed facility will be finished at a height of 35 feet which is permitted under Section 9138.16, provided the facility and screening utilizes the existing architecture of the building and is incorporated as a stealth design, so no visual impacts are present from the increased height.
- c) The proposed cellular facility does not affect or impact the safe circulation of either pedestrian or vehicular traffic as the facility is essentially unmanned and incorporated into an existing office building.
- d) No signage exists for the cellular facility other than what is required for safety purposes for the equipment cabinets. The color of the parapet will match the color and texture of the existing building. The equipment cabinetry will be located in a second floor tenant space within the existing office building.



- e) There is an existing cellular facility located atop the office building, and an additional one is currently being considered for approval by the Planning Commission. The subject proposal is consistent with required findings found in Section 9138.16 in that it promotes co-location by occupying additional space on a building rooftop currently being used by another similar facility.
- f) The proposed project will be located and designed to minimize the visual impact on surrounding properties and from public streets, including adequate screening and stealthing of the proposed facility through use of materials, colors, and architectural design within the structure upon which it will be mounted.

Section 4. The Planning Commission further finds that the proposed cellular facility will not have a significant effect on the environment and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA guidelines, which exempts certain in-fill development projects. No further significant environmental impacts would result from this proposal.

Section 5. Based on the aforementioned findings, the Commission hereby adopts the categorical exemption and grants approval of Design Overlay Review No. 1287-08, with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 6. The Secretary shall certify to the adoption of this 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 27TH DAY OF JANUARY, 2009.

CHAIRMAN

ATTEST:

SECRETARY

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CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "A"
LEGAL DESCRIPTION
DESIGN OVERLAY REVIEW NO. 1292-08

Property Address: 651 E. 220th Street

The land referred to as parcel no. 7334-031-056 is situated in the County of Los Angeles, State of California and is described as follows:

The East 85 Feet of the Lot 22, of Tract 1020, in the City of Carson, County of Los Angeles, State of California as per Map recorded Maps in the Office of the County Recorder of said County.



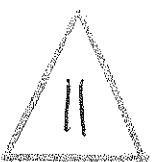
CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 1292-08

GENERAL CONDITIONS

1. If Design Overlay Review No. 1292-08 is not used within one year of its effective date, said permit shall be declared null and void unless an extension of time is previously 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 in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial changes will require review and approval 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. It is further made a condition of this approval that if the telecommunications facility, including but not limited to the condition of materials used to form the parapet extension screens, are not properly maintained or if any condition, law, statute, or ordinance is violated, this permit may be revoked by the Planning Commission or City Council as may be applicable provided the applicant has been given written notice to cease such violation and has failed to do so for a period of 30 days.



8. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
9. All regulations and guidelines of the Federal Communication Commission (FCC) shall be strictly enforced.
10. Any future alteration or upgrades of the telecommunication facility shall require prior approval from the City.
11. In the event that this facility causes interference or disturbance with radio or television reception within a 500-foot radius of the facility, the applicant shall repair the facility within 30 days of the notification or cease its operation.
12. The antennas, parapet screen extensions, and equipment cabinetry located within the building shall be maintained in good condition at all times.
13. Lawfully erected wireless communication facilities that are no longer being used shall be removed from the premises, no later than 30 days after the discontinuation of use. Such removal shall be in accordance with proper state and federal health and safety requirements. Any removal of facilities will require that the applicant or property owner provide improvements, including landscaping, that existed prior to the erection of the telecommunications facility.
14. The Planning Division shall monitor the subject facility to assure adequacy of maintenance and condition of the telecommunication facility, including, but not limited to the condition of materials used to form the parapet extension screens. A revocation of this authorization shall be requested by the Planning Division if the facility is found to be in poor condition or repair. The applicant shall be provided with a minimum 30-day notice detailing the concerns or areas requiring correction prior to the Planning Commission conducting a hearing on said revocation.
15. 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. 1292-08. 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.



UTILITIES

16. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9126.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.
17. All roof-mounted equipment shall be screened from public view or incorporated into the design of the structure or building.
18. Should an electrical line be required to connect the facility to any new or existing power pole, said electrical line shall be placed underground.

AESTHETICS

19. Existing texture treatment shall be repaired, if necessary, including missing or dilapidated flashing, paint, stucco, or other materials used to finish the parapet screen extensions and incorporate them into the existing adjacent roofing material, subject to Planning Division approval and prior to the issuance of a final building permit.
20. The specification of all colors and materials must be non-reflective and submitted and approved by the Planning Division prior to the issuance of any building permits. The colors of the screening walls of the new equipment cabinet structure must match the color of the existing office building.
21. Graffiti shall be removed from all project areas within three 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.).

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

22. 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.



**CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 09-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW
NO. 1292-08 REGARDING THE INSTALLATION OF A ROOF-
MOUNTED TELECOMMUNICATION FACILITY AND
RELATED EQUIPMENT ON AN EXISTING 2-STORY OFFICE
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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 Sections 9172.23(d) and 9138.16(h) of the Carson Municipal Code (CMC), the Planning Commission finds that:

- a) The proposed facility adheres to the goals and policies described in the Land Use Element of the General Plan. According to this document, "Commercial activities should be screened or buffered from adjacent residential uses wherever possible." This project achieves this goal by incorporating a "stealth" design which utilizes an expanded parapet colored and stuccoed to match the existing office building to screen the proposed facility.
- b) The existing office structure is 30 feet in height, consistent with municipal code requirements for commercial zones. The parapet used to screen the proposed facility will be finished at a height of 35 feet which is permitted under Section 9138.16, provided the facility and screening utilizes the existing architecture of the building and is incorporated as a stealth design, so no visual impacts are present from the increased height.
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- f) The proposed project will be located and designed to minimize the visual impact on surrounding properties and from public streets, including adequate screening and stealthing of the proposed facility through use of materials, colors, and architectural design within the structure upon which it will be mounted.

Section 4. The Planning Commission further finds that the proposed cellular facility will not have a significant effect on the environment and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA guidelines, which exempts certain in-fill development projects. No further significant environmental impacts would result from this proposal.

Section 5. Based on the aforementioned findings, the Commission hereby adopts the categorical exemption and grants approval of Design Overlay Review No. 1292-08, with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 6. The Secretary shall certify to the adoption of this 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 27TH DAY OF JANUARY, 2009.

CHAIRMAN

ATTEST:

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DEVELOPMENT SERVICES
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GENERAL CONDITIONS

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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 in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial changes will require review and approval 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. It is further made a condition of this approval that if the telecommunications facility, including but not limited to the condition of materials used to form the parapet extension screens, are not properly maintained or if any condition, law, statute, or ordinance is violated, this permit may be revoked by the Planning Commission or City Council as may be applicable provided the applicant has been given written notice to cease such violation and has failed to do so for a period of 30 days.



8. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
9. All regulations and guidelines of the Federal Communication Commission (FCC) shall be strictly enforced.
10. Any future alteration or upgrades of the telecommunication facility shall require prior approval from the City.
11. In the event that this facility causes interference or disturbance with radio or television reception within a 500-foot radius of the facility, the applicant shall repair the facility within 30 days of the notification or cease its operation.
12. The antennas, parapet screen extensions, and equipment cabinetry located within the building shall be maintained in good condition at all times.
13. Lawfully erected wireless communication facilities that are no longer being used shall be removed from the premises, no later than 30 days after the discontinuation of use. Such removal shall be in accordance with proper state and federal health and safety requirements. Any removal of facilities will require that the applicant or property owner provide improvements, including landscaping, that existed prior to the erection of the telecommunications facility.
14. The Planning Division shall monitor the subject facility to assure adequacy of maintenance and condition of the telecommunication facility, including, but not limited to the condition of materials used to form the parapet extension screens. A revocation of this authorization shall be requested by the Planning Division if the facility is found to be in poor condition or repair. The applicant shall be provided with a minimum 30-day notice detailing the concerns or areas requiring correction prior to the Planning Commission conducting a hearing on said revocation.
15. 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. 1287-08. 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.

UTILITIES

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18. Should an electrical line be required to connect the facility to any new or existing power pole, said electrical line shall be placed underground.

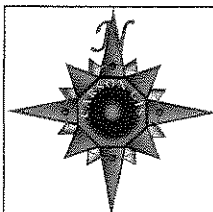
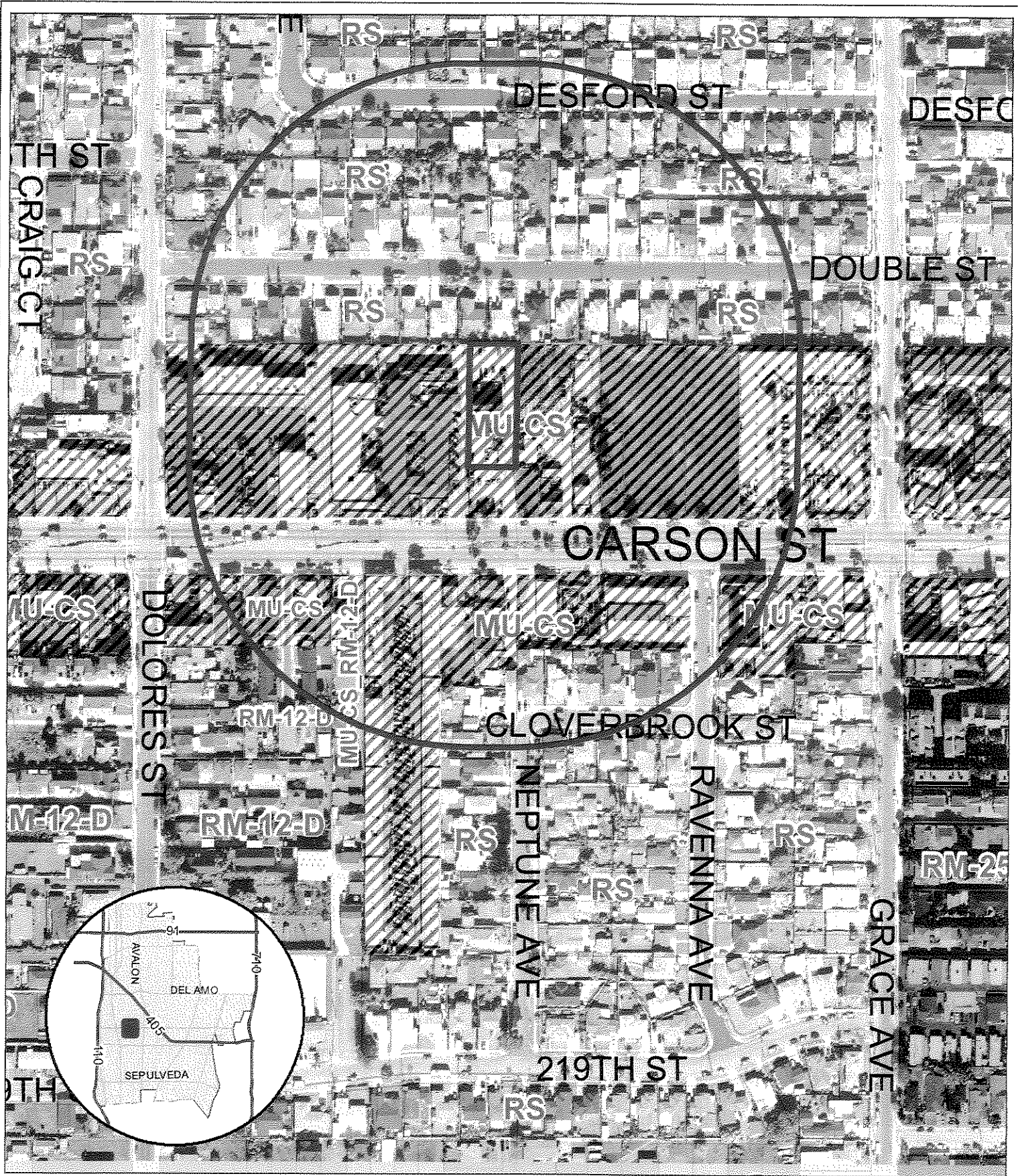
AESTHETICS

19. Existing texture treatment shall be repaired, if necessary, including missing or dilapidated flashing, paint, stucco, or other materials used to finish the parapet screen extensions and incorporate them into the existing adjacent roofing material, subject to Planning Division approval and prior to the issuance of a final building permit.
20. The specification of all colors and materials must be non-reflective and submitted and approved by the Planning Division prior to the issuance of any building permits. The colors of the screening walls of the new equipment cabinet structure must match the color of the existing office building.
21. Graffiti shall be removed from all project areas within three 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.).

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

22. 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.





City of Carson
500 Foot Radius Map

EXHIBIT NO. 5

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