



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

**PUBLIC HEARING:** October 13, 2009

**SUBJECT:** Conditional Use Permit No. 735-09 and Design Overlay Review No. 1335-09

**APPLICANT:** Clearwire Corporation  
320 Commerce Street, Suite 200  
Irvine, CA 92602

**REQUEST:** To add three panel antennas and two microwave dishes to an existing lattice tower wireless telecommunication facility on a property located in the ML-D (Manufacturing, Light Design Overlay Review) zone and within the Redevelopment Project Area 1.

**PROPERTY INVOLVED:** 17311 S. Main Street

### COMMISSION ACTION

- Concurred with staff
- Did not concur with staff
- Other

### COMMISSIONERS' VOTE

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

***Item No.11-A***

## I. Introduction

### *Date Application Received*

- June 1, 2009: Conditional Use Permit No. 735-09 and Design Overlay Review No. 1335-09.

### *Applicant*

- Clearwire Corporation, 320 Commerce Suite 200, Irvine, CA 92602

### *Property Owner*

- Ronald Appel, CO TR: 17311 S. Main Street, Gardena, CA 90748

### *Project Address*

- 17311 S. Main Street

### *Project Description*

- To add three panel antennas and two microwave dishes to an existing lattice tower wireless telecommunication facility on a developed light industrial property.
- The existing 156 foot high lattice tower was constructed in 1966 prior to city of Carson incorporation.
- The application includes the following:
  - Design Overlay Review No. 1335-09 for a major wireless telecommunication facility; and
  - Conditional Use Permit No. 735-09 for an existing nonconforming 156-foot-high freestanding lattice communication tower.

## II. Background

### *Current Use of Property*

- The existing site consists of two light industrial buildings built in 1964. The lattice communication tower was built in 1966.

### *Previously Approved Discretionary Permits*

- None. The site was developed before the city incorporated.

### *Public Safety Issues*

- After consulting with the Public Safety Department it was determined that there has been no zoning code enforcement cases associated with this property.

## III. Analysis

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

- The subject property is located at 17311 S. Main Street in the city of Carson.
- There are two buildings on the property which were built in 1964.



- Adjacent to the subject property to the north, south, east and west exist light industrial buildings.
- CMC Section 9138.16 D. 2. requires that all major wireless telecommunication facilities obtain Site Plan and Design Review and requires that all freestanding major wireless telecommunication facilities obtain a CUP.
- CMC Section 9138.16 requires that all wireless telecommunication facilities that exceed the maximum height requirement obtain a CUP.
- CMC Section 9182.21 (Nonconforming Use Eligible for Conditional Use Permit Approval) identifies that a lawfully established use shall be considered to be a nonconforming use until such time as a CUP is granted. Legal nonconforming major wireless telecommunication facilities are given 5 years to obtain a CUP.
- The Planning Commission has the authority to determine if the legal nonconforming wireless telecommunication facility should be abated, modified to meet the current zoning requirements, or approved as is.

The proposed project involves the mounting of three panel antennas, two microwave dishes and related equipment located in an existing shelter to an existing lattice tower. Cables necessary to operate the site will run from the Clearwire ground equipment to the Clearwire Base Transceiver Station and microwave dishes.

According to Clearwire's "Site Justification Study" the above referenced site was chosen for the following reasons:

1. This location was in the required search ring. This allows for adequate coverage in the search ring and will "hand off" to adjacent sites when necessary. By handing off to other sites it will allow for uninterrupted use should this tower or adjacent towers exceed capacity.
2. To reduce proliferation of cell towers Clearwire will co-locate on as many existing towers as possible. This location is a co-location on an existing 156-foot-high lattice tower.
3. Clear-wire has chosen to place their antenna at 135 feet to allow for proper coverage. This height will also allow for proper placement of the microwave dishes for back haul (method used to transmit signal at the tower). Clearwire is using microwave back haul as the large amount of data transmitted is far superior by microwave than by copper or fiber.
4. The antenna and microwave dishes will be painted to match the existing tower.
5. The site is located in a manufacturing zone which has less impact than if it were in a commercially zoned area.



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

- The subject property is zoned ML-D (Manufacturing, Light - Design Overlay) and properties to the north, south, east and west share the same zoning designation.
- The subject property has the General Plan Land Use designation of Light Industrial and all contiguous properties share the same designation.
- The subject property and all contiguous properties are within Redevelopment Project Area No. 1.

### *Applicable Zoning Ordinance Regulations*

Pursuant to Section 9138.16(D), the proposed project is considered a Major Wireless Telecommunication Facility subject to the approval of a development plan in accordance with the Site Plan and Design Review (DOR) procedures provided in Section 9172.23, and Conditional Use Permit (CUP) procedures provided in Section 9172.21. Furthermore, CMC Section 9182.21 (Nonconforming Use Eligible for Conditional Use Permit) applies to this project.

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

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

### *Required Findings: Conditional Use Permit*

Approval of a CUP is required for a Major Wireless Telecommunication Facility. Pursuant to Section 9182.21, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

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



*Required Findings: Site Plan and Design Review*

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

1. Compatibility with the General Plan, any specific plans for the area, and surrounding uses.
2. Compatibility of architecture and design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open spaces and other features relative to a harmonious and attractive development of the area.
3. Convenience and safety of circulation for pedestrians and vehicles.
4. Attractiveness, effectiveness and restraint in signing, graphics and color.
5. Conformance to any applicable design standards and guidelines that have been adopted pursuant to Section 9172.15.

*Required Findings: Wireless Telecommunications Facilities*

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

1. The proposed site is the best alternative after considering co-location with another facility and location at another site.
2. The proposed wireless telecommunication facility will be located and designed to minimize the visual impact on surrounding properties and from public streets, including adequate screening through the use of landscaping that harmonize with the elements and characteristics of the property and/or stealthing which incorporates the facility with the structure in which it will be mounted through use of material, color, and architectural design.
3. The proposed wireless telecommunication facility is not located on any residential dwelling or on any property which contains a residential dwelling, except as may be associated with a church, temple, or place of religious worship.

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

*Issues of Concern / Mitigation:*

- Issue- Color of Proposed Antennas:
  - *Mitigation:* The proposed antennas shall be painted with a color matching the existing lattice tower and approved by the Planning Division prior to installation.
- Issue- Legal Nonconforming Lattice Tower: The Planning Commission has the discretion to determine if the existing over-height lattice tower is appropriate for the area. The Planning Commission may require abatement if it feels the tower is inappropriate, modify the tower to meet current zoning requirements (e.g., require a lower height, additional stealthing, etc.), or approve the project as proposed.

**IV. Environmental Review**

Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), the proposed installation of a wireless telecommunications facility on a developed light industrial property does not have the potential for causing a significant effect on the environment and is found to be exempt.

**V. Recommendation**

That the Planning Commission:

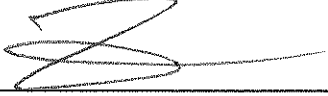
- WAIVE further reading and ADOPT Resolution No.\_\_\_\_\_, entitled "A Resolution of the Planning Commission of the City of Carson approving Conditional Use Permit No. 735-09 and recommending approval of Design Overlay Review No. 1335-09 to the Carson Redevelopment Agency for a wireless telecommunication facility located at 17311 S. Main Street."

**VI. Exhibits**

1. Resolution
2. Development Plans
3. Co-Location Statement/Letter of Authorization
4. Site Justification Study
5. Local Facilities/Coverage Maps




Prepared by:

  
Zak Gonzalez II, Planner

Reviewed by:

  
John F. Signo, AICP, Senior Planner

Approved by:

  
Sheri Repp, Planning Official

CUP No. 735-09 & DOR No. 1335-09\_\_\_ 4



CITY OF CARSON  
PLANNING COMMISSION  
RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 735-09 AND RECOMMENDING APPROVAL OF DESIGN OVERLAY REVIEW NO. 1335-09 TO THE CARSON REDEVELOPMENT AGENCY FOR A MAJOR WIRELESS TELECOMMUNICATION FACILITY LOCATED AT 17311 S. MAIN STREET

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

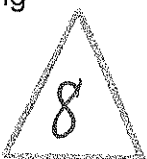
**Section 1.** An application was duly filed by the applicant, Clearwire Corporation., with respect to real property located at 17311 S. Main Street, and described in Exhibit "A" attached hereto, requesting the approval of a Conditional Use Permit (CUP 735-09) and recommending approval of a development plan and Design Overlay Review (DOR) No. 1335-09 to the Carson Redevelopment Agency to add three panel antennas, two microwave dishes and related equipment to an existing 156-foot high lattice communication tower, on a developed property in the ML-D (Manufacturing, Light, Design Overlay Review) zone and within the Redevelopment Project Area 1. This application also addresses the existing lattice tower and its height pursuant to Sections 9182.22 and 9128.16(F)(2)(d), respectively.

A public hearing was duly held on October 13, 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.** The Planning Commission finds that:

- a) The General Plan designates the property as Light Industrial which is compatible with the proposed use. The proposed use and development of a wireless telecommunication facility will be consistent with the surrounding light industrial uses and is appropriate for the subject property as proposed;
- b) The project is compatible in design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open spaces and other features relative to a harmonious and attractive development of the area;
- c) The site is also adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development. The surrounding land uses are primarily light industrial and the proposed project is compatible with those uses. The site is 77,354 square feet in size, flat and located in an industrial area;
- d) The proposed telecommunication facility will only require monthly maintenance visits and is otherwise not occupied, therefore the off-street parking





requirements are not applicable and circulation on the adjacent public streets will not be adversely impacted. Safety and convenience of vehicular and pedestrian access is provided with the on-site private driveway;

- e) There are no new signs intended for the proposed project;
- f) The proposed site is located in the rear of the subject property where it is least visible from the public right-of-way, thus it is the best location for the telecommunication facility.
- g) The proposed wireless telecommunication facility is located to minimize the visual impact on surrounding properties and from public streets, including stealthing which includes disguising the facility to match existing lattice tower; and
- h) The proposed wireless telecommunication facility meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations. Therefore all of the required findings pursuant to Section 9172.21(D), "Conditional Use Permit", and Section 9172.23 (D), "Site Plan and Design Review, Approval Authority and Findings and Decision" and Section 9138.16(H), " Wireless Telecommunication Facilities" are made in the affirmative.

**Section 4.** The Planning Commission further finds that the use permitted by the proposed Conditional Use Permit will not have a significant effect on the environment. The proposed use will not alter the predominantly industrial character of the surrounding area and will meet or exceed all City standards for protection of the environment. Therefore, the proposed project is found to be exempt under the general rule of CEQA, Section 15301.

**Section 5.** Based on the aforementioned findings, the Commission hereby grants Conditional Use Permit No. 735-09 and recommends approval of Design Overlay Review No. 1335-09 to the Carson Redevelopment Agency with respect to the properties described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

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

**Section 7.** This action shall become final and effective fifteen days after the adoption of this Resolution 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 13<sup>th</sup> DAY OF OCTOBER, 2009**

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

**ATTEST:**

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



**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF THE PROPERTY**

**PARCEL 1:**

THAT PORTION OF LOT 13 OF THE SOUTH GARDENA TRACT, IN THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP RECORDED IN BOOK 43 PAGE 39 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BOUNDED BY THE FOLLOWING DESCRIBED LINES:

BEGINNING AT A POINT IN THE EAST LINE OF SAID LOT, DISTANT SOUTH THEREON 626.77 FEET FROM THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH ALONG SAID EAST LINE, 59 FEET, MORE OF LESS, TO A POINT THAT IS DISTANT 119 FEET NORTH THEREON FROM THE INTERSECTION OF SAID EAST LINE WITH THE NORTH LINE OF THE SOUTH 5.532 ACRES OF SAID LOT CONVEYED TO LAURA L. PARKER BY DEED RECORDED IN BOOK 822 PAGE 309 OF DEEDS, IN SAID OFFICE OF THE COUNTY RECORDER; THENCE WEST AT RIGHT ANGLES TO SAID EAST LINE, 185 FEET; THENCE NORTH PARALLEL WITH SAID EAST LINE TO THE MOST NORTHERLY LINE OF THE LAND DESCRIBED IN PARCEL 1 OF THAT CERTAIN DEED OF TRUST RECORDED ON MAY 27, 1953 IN BOOK 41822 PAGE 130, OFFICIAL RECORDS, IN SAID OFFICE OF THE COUNTY RECORDER; THENCE WEST ALONG SAID MOST NORTHERLY LINE TO THE EAST LINE OF THE "WESTERLY 6 ACRES OF THE NORTH 15 ACRES" OF SAID LOT CONVEYED TO B.W. MOODY AND ANETTE A. MOODY, BY DEED RECORDED IN BOOK 952 PAGE 179 OF DEEDS, IN THE OFFICE OF THE COUNTY RECORDER; THENCE SOUTH ALONG SAID EAST LINE TO THE SAID NORTH LINE OF THE SOUTH 5.532 ACRES OF LOT 13 SO CONVEYED TO LAURA L. PARKER BY THE ABOVE MENTIONED DEED; THENCE EAST ALONG SAID NORTH LINE TO A POINT DISTANT 185 FEET WEST THEREON FROM SAID EAST LINE OF SAID LOT; THENCE NORTH PARALLEL WITH THE EAST LINE OF SAID LOT, 60 FEET; THENCE EAST PARALLEL WITH SAID NORTH LINE, 185 FEET TO THE POINT OF BEGINNING.

THAT PORTION OF THE WESTERLY 20 FEET TO THE EASTERLY 50 FEET OF LOT 13, SOUTH GARDENA TRACT, AS SHOWN ON MAP RECORDED IN BOOK 43, PAGE 39, OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WHICH LIES WITHIN THOSE CERTAIN PARCELS OF LAND DESCRIBED AS PARCELS 1 AND 2 IN DEED TO WESTERN GEAR FOUNDATION, RECORDED AS DOCUMENT NO. 669, ON DECEMBER 17, 1965, IN BOOK D3149, PAGE 335, OF OFFICIAL RECORDS, IN THE OFFICE OF SAID RECORDER, AREAS AND DISTANCES BEING MEASURED FROM THE CENTER LINE OF THE ADJOINING STREET, AS SAID STREET IS SHOWN ON SAID MAP, AS SET FORTH IN A DECREE OF CONDEMNATION, RECORDED JANUARY 5, 1976 AS INSTRUMENT NO. 3467.

PARCEL 2:

THAT PORTION OF LOT 13 OF THE SOUTH GARDENA TRACT, IN THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 43 PAGE 39, OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF SAID LOT, DISTANT SOUTH THEREON 626.77 FEET FROM THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH ALONG SAID EAST LINE, 60 FEET TO THE NORTH LINE OF THE SOUTH 5.532 ACRES OF SAID LOT CONVEYED TO LAURA L. PARKER, BY DEED RECORDED IN BOOK 822 PAGE 309 OF DEEDS, RECORDER OF SAID COUNTY; THENCE WEST ALONG SAID NORTH LINE 185 FEET; THENCE NORTH PARALLEL WITH SAID EAST LINE 60 FEET; THENCE EAST PARALLEL WITH SAID NORTH LINE, 185 FEET TO THE POINT OF BEGINNING.

THAT PORTION OF THE WESTERLY 20 FEET OF THE EASTERLY 50 FEET OF LOT 13, SOUTH GARDENA TRACT, AS SHOWN ON MAP RECORDED IN BOOK 43, PAGE 39, OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WHICH LIES WITHIN THOSE CERTAIN PARCELS OF LAND DESCRIBED AS PARCELS 1 AND 2 IN DEED TO WESTERN GEAR FOUNDATION, RECORDED AS DOCUMENT NO. 669, ON DECEMBER 17, 1965, IN BOOK D3149, PAGE 335, OF OFFICIAL RECORDS, IN THE OFFICE OF SAID RECORDER, AREAS AND DISTANCES BEING MEASURED FROM THE CENTER LINE OF THE ADJOINING STREET, AS SAID STREET IS SHOWN ON SAID MAP, AS SET FORTH IN A DECREE OF CONDEMNATION, RECORDED JANUARY 5, 1976 AS INSTRUMENT NO. 3467.

**CITY OF CARSON**  
**ECONOMIC DEVELOPMENT**  
**PLANNING DIVISION**  
**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT NO. 735-09**  
**DESIGN OVERLAY REVIEW NO. 1335-09**

**GENERAL CONDITIONS**

1. If a building permit plan check submittal proposing the implementation of Conditional Use Permit No. 735-09 and Design Overlay Review No. 1335-09 is not submitted to the City of Carson 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 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 or ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.



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. 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 Conditional Use Permit No. 735-09 and Design Overlay Review No. 1335-09. 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. All parking areas and driveways shall remain clear and maintained. No encroachment into parking areas and/or driveways shall be permitted. Parking spaces shall be re-striped and maintained.

### **AESTHETICS**

11. 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.
12. The proposed panel antennas and microwave dishes shall be painted to match and blend with the existing lattice tower to the satisfaction of the Planning Division.
13. The wireless telecommunication facility shall not exceed the existing lattice tower's height of 156 feet.



14. The ground equipment enclosure(s) shall be compatible with the architectural design of the main building.
15. 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**

16. The display of any sign or any other graphic on a wireless telecommunications 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.

### **LIGHTING**

17. 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**

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

### **BUILDING AND SAFETY**

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

### **FIRE DEPARTMENT - COUNTY OF LOS ANGELES**

21. 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**

22. If needed, easements shall be granted to the City, appropriate agency, or entity for the purposed ingress, egress, construction and maintenance of all infrastructures constructed and handicap access for this development to the satisfaction of the City Engineer and/or appropriate agency or entity.
23. Any city-owned improvement damaged during the construction of the proposed project shall be removed and reconstructed per City Standard Plan and to the satisfaction of the City Engineer prior to the issuance of a building permit.



24. Prior to the issuance of a Building Permit, Proof of Worker's Compensation and Liability Insurance must be on file with the Los Angeles county Building and Safety Department.

**BUSINESS LICENSE DEPARTMENT - CITY OF CARSON**

25. Per section 6310 of the Carson Municipal Code, all parties involved in the installation of the telecommunication facility to be located at 17311 S. Main Street, including but not limited to contractors and subcontractors, will need to obtain a City Business License.

**OTHER**

26. Future modifications to the approved development plans, including the installation of additional panels and equipment cabinetry, shall be subject to Planning Division review and approval. If deemed to be a major modification, the Planning Commission shall be the approval authority.



LETTER OF AUTHORIZATION

SITE NO: 41013

SITE NAME: Farwest Tower

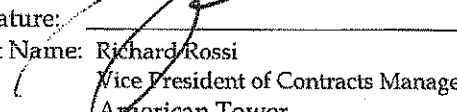
ADDRESS: 17311 S. Main Street, Gardena, CA

APN:

I, Richard Rossi, Vice President of Contracts Management of American Tower\*, owner of the tower facility located at the address identified above (the "Tower Facility"), do hereby authorize Clear Wireless, LLC, its successors and assigns, ("Clear") and/or its agent, to act as American Tower's non-exclusive agent for the sole purpose of filing and consummating any land-use or building permit application(s) necessary to obtain approval of the applicable jurisdiction for Clear's installation of its antennas and related telecommunications equipment on the existing tower and Tower Facility. This installation shall not affect adjoining lands and will occur only within the area leased by American Tower.

We understand that this application may be denied, modified or approved with conditions. The above authorization is limited to the acceptance by Clear Wireless only of conditions related to Clear's installation, provided that any such conditions of approval or modifications will be the sole responsibility of Clear Wireless.

The above authorization does not permit Clear Wireless to modify or alter any existing permit(s) and/or zoning or land-use conditions or impose any additional conditions unrelated to Clear's installation of telecommunications equipment without the prior written approval of American Tower.

Signature:   
Print Name: Richard Rossi  
Vice President of Contracts Management  
American Tower

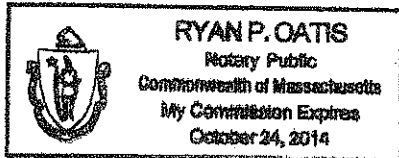
NOTARY BLOCK

State of MASSACHUSETTS  
County of Middlesex

This instrument was acknowledged before me by Richard Rossi, Vice President of Contracts Management of American Tower (Tower Facility owner), personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal, this 26<sup>th</sup> day of May, 2009

NOTARY SEAL



Notary Public Ryan P. Oatis  
My Commission Expires: 10/24/2014

\* American Tower as used herein is defined as American Towers, Inc. and any of its affiliates or subsidiaries.





## PROJECT DESCRIPTION

Clearwire Corporation (NASDAQ:CLWR) offers advanced high-speed internet services to consumers and businesses. The company is building the first nationwide 4G mobile WiMAX network, bringing together a compelling combination of speed and mobility. Clearwire's open all-IP network, combined with significant spectrum holdings, provides unmatched network capacity to deliver next-generation broadband access. The company currently provides mobile WiMax service in Baltimore, Md., and Portland, Ore. Clearwire is in the process of building WiMax sites in [Los Angeles/Orange County/Inland Empire] area and currently provides mobile WiMAX service in two U.S. markets and pre-WiMAX service in 50 markets throughout the U.S. and Europe. The Clearwire network will consist of a number of individual wireless facilities ("sites"), each interconnected with neighboring sites. The Project Description herein is just one of many that are an integral part of the overall network. To learn more about Clearwire, please visit the website at <http://www.clearwire.com>.

Clearwire is beginning the process of acquiring property rights and obtaining necessary permits for the development of its network in the Carson area.

The project herein involves the mounting of three [3] panel antennas, two [2] microwave dishes, and related equipment located in an existing shelter. Cables necessary to operate the site will run from the Clearwire ground equipment to the Clearwire BTS and microwave dish(es).

This location was the primary candidate as it is an existing tower for telecommunications and reduces the proliferation of new towers. The antennas will be located at a 90 foot rad center and painted to match the existing tower. The approval of this location will help in the completion of the coverage for Clearwire in the Carson area.

Clearwire operates in compliance will all applicable local, state and federal regulations relating to wireless communication facilities. The attached application describes the proposed site more specifically as it relates to Carson land use criteria.



**“Site Justification Study”**  
**17311 S. Main Street**  
**Conditional Use Permit: No. 735-09**

The above referenced site was chosen for the following reasons:

1. This location was in the required search ring. This allows for adequate coverage in the search ring and will “hand off” to adjacent sites when necessary. By handing off to other sites it will allow for uninterrupted use should this tower or adjacent towers exceed capacity.
2. To reduce proliferation of cell towers Clearwire will co-locate on as many existing towers as possible. This location is a co-location on an existing 156 foot lattice tower.
3. Clear wire has chosen to place their antenna at 135 feet to allow for proper coverage in the search ring. This height will also allow for proper placement of the microwave dishes for back haul. Clearwire is using microwave back haul as the large amount of data transmitted is far superior by microwave than by copper or fiber.
4. The antenna and microwave dishes will be painted to match the existing tower.
5. The site is located in a manufacturing zone which has less impact than if it were in a commercial zoned area.

Exhibit No. 4



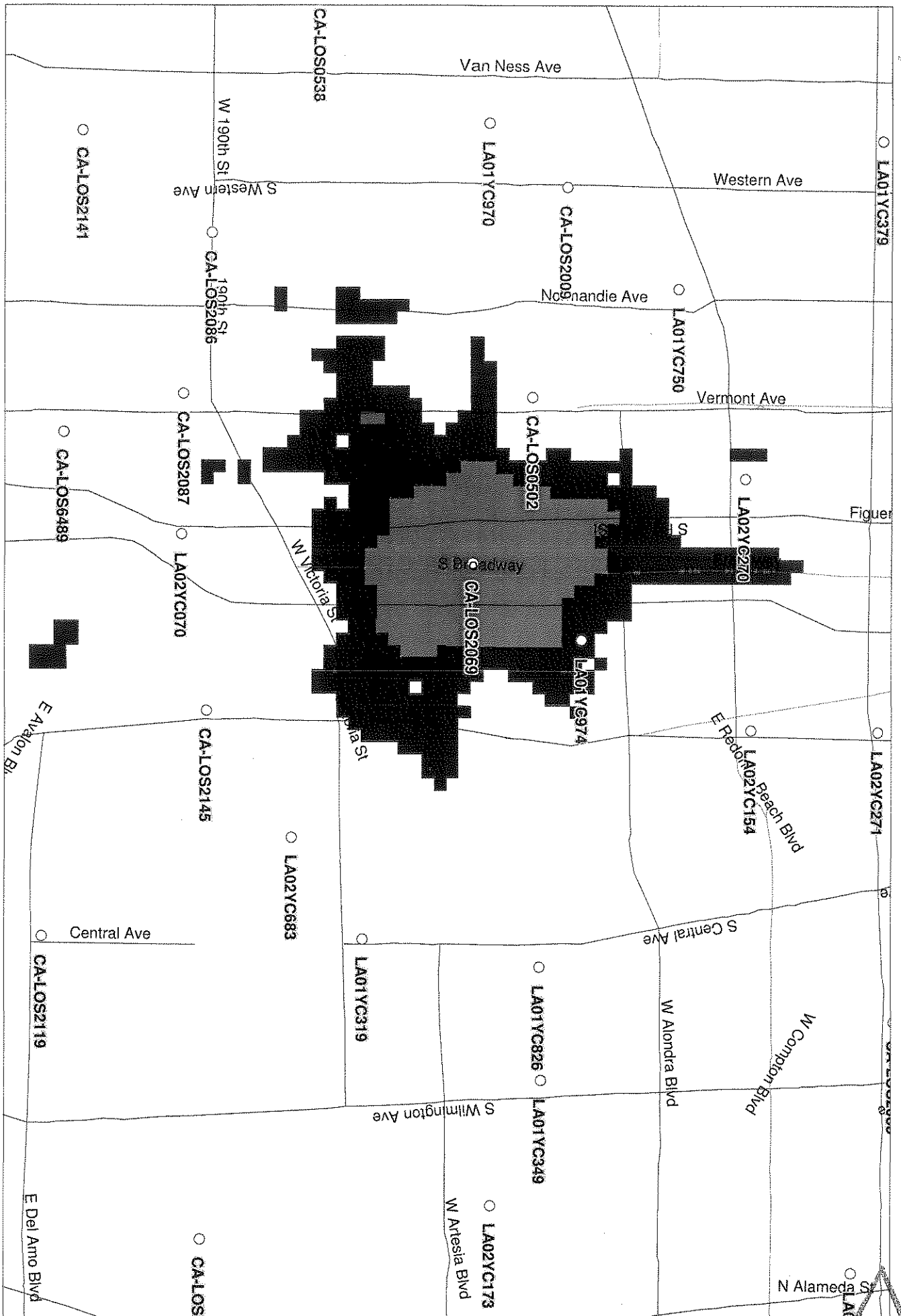
# Coverage provided by CA-LOS2069

Areas with good to excellent coverage

Areas with marginal to good coverage

Areas with no coverage or outside coverage boundaries

Future Site Locations



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# Coverage of planned sites including CA-LOS2069

Areas with good to excellent coverage

Areas with marginal to good coverage

Areas with no coverage or outside coverage boundaries

Future Site Locations

