



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: November 12, 2013

SUBJECT: Conditional Use Permit No. 942-13 and Modification No. 1 to Design Overlay Review No. 601-94

APPLICANT: CORE Development Services
Attention: Christine Song
2749 Saturn Street
Brea, CA 92821

OWNER: Heger Realty Corporation
Attention: Jim Hilands
2657 East Washington Blvd.
Los Angeles, CA 90040

REQUEST: To replace antennas and associated equipment of an unmanned wireless telecommunication facility on an existing 150-foot high legal, nonconforming communications steel tower in the ML-D (Manufacturing, Light; Design Overlay) zone.

PROPERTY INVOLVED: 17120 South Main Street

COMMISSION ACTION

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

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Gordon
		Vice-Chair Verrett			Piñon
		Brimmer			Saenz
		Diaz			Schaefer
		Goolsby			

Item 11A

I. Introduction

Applicant

- CORE Development Services; Attention: Christine Song; 2749 Saturn Street; Brea, CA 92821

Property Owner

- Heger Realty Corporation; Attention: Jim Hilands; 2657 East Washington Blvd.; Los Angeles, CA 90040

Project Address

- 17120 South Main Street

Project Description

- To replace existing antennas and associated equipment of an unmanned wireless telecommunication facility on an existing 150-foot high legal, nonconforming communications steel tower.
- Removal and replacement of three (3) existing previously approved panel antennas and installation of six (6) new remote radio units (RRU's). The replacement antennas will be attached to the tower at 70 feet above ground level. The size of the existing equipment lease area and facility height will remain unchanged.
- The proposal includes the following discretionary requests:
 - *Conditional Use Permit No. 942-13 (Tower)*: Pursuant to Sections 9182.21-22, the existing tower structure is non-conforming and approval of a conditional use permit is required by the Planning Commission.
 - *Modification to Design Overlay Review (DOR) No. 601-94*: The radio tower was approved in 1995 by the Planning Commission before the enactment of the City's Telecommunications Ordinance (Section 9138.16 of the Carson Municipal Code) which regulates the development of telecommunications facilities in the City of Carson. To permit the additional telecommunications antennas, the current site must be brought into conformance with the conditions of approval for DOR No. 601-94.

II. Background

Previous Uses of Property

- The existing tower is developed adjacent to a warehouse facility constructed in 1966. The steel tower and equipment area were approved by the Planning Commission and Redevelopment Agency in 1995. The equipment area is 890 square feet and is located within the warehouse.



- The property currently is owned by the Helger Realty Corporation and the tower and three industrial buildings currently occupy the site. The current proposal will involve existing Verizon Wireless antennas.

Previously Approved Discretionary Permits

- Previous permits for the site include:
 - Variance No. 225-86 – To reduce the parking requirement for an industrial use. Approved by the Planning Commission on January 13, 1987.
 - Design Overlay Review No. 601-94 – To construct a 150-foot high telecommunication tower. Approved by the Carson Redevelopment Agency on January 24, 1995.
 - Zone Change Case No. 154-07 – Change of zone from MH (Manufacturing, Heavy) to ML-D (Manufacturing, Light; Design Review). Approved by the City of Carson City Council on October 2, 2007.

Public Safety Issues

- No current zoning code enforcement cases are associated with this property.

Middle Class Tax Relief and Job Creation Act of 2012

- Ordinarily, telecommunication facilities submitted to the City are reviewed for compliance with the CMC. However, on February 22, 2012, the Middle Class Tax Relief and Job Creation Act of 2012 (Tax Act) became law. Portions of this law apply to telecommunication facilities. Specifically, Section 6409(a) of the Tax Act provides that a state or local government “may not deny, and shall approve” any request for collocation, removal, or replacement of transmission equipment on an existing wireless tower or base station, provided the proposed modifications do not substantially change the physical dimensions of the tower or base station. Since the language included in this law is somewhat vague, on January 25, 2013, the Federal Communication Commission issued a Public Notice to interpret Section 6409(A) of the Middle Class Tax Relief and Job Creation Act of 2012. The Tax Act includes some provisions that may be interpreted to preempt the requirements of the CMC. Therefore, the staff report will analyze the compliance of the proposed project with both the CMC and the Tax Act. The recommendation in the staff report has taken into account the inherent conflict between the CMC and the Tax Act and litigation risks associated with denial of the project based on inconsistency with the CMC.

III. Analysis

Location/Site Characteristics/Existing Development

- The subject property is located at 17120 South Main Street in the City of Carson, between Gardena Boulevard to the north, the 91 Gardena Freeway to the south, Billings Drive to the east and Main Street to the west.
- Adjacent to the subject property to the north and south are light manufacturing uses. High voltage (KV) lines and single family dwellings are located to the east.



Heavy manufacturing uses are located to the west. The tower is located approximately 425 feet from the single family residential area.

Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned ML-D (Manufacturing, Light – Design Review) with properties to the north and south having the same zoning designation. To the east are OS (Open Space) and RS (Residential, Single-family) zones and to the west are MH-D (Manufacturing, Heavy; Design Review) zones.

- The subject property has a General Plan Land Use designation of Light Industrial with properties to the north and south having the same Land Use designation. Properties to the east have a General Plan Land Use of General Open Space and Low Density Residential. Properties to the west have a General Plan Land Use of Heavy Industrial.

Applicable Zoning Ordinance Regulations

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

Applicable Zoning Ordinance Sections	Compliant	Non-Compliant	Comments
INDUSTRIAL ZONES - DEVELOPMENT STANDARDS			
9141.1, “Uses Permitted”	X		Subject to a CUP and Section 9138.16
WIRELESS TELECOMMUNICATION FACILITY DEVELOPMENT STANDARDS			
Section 9138.16D2, “Procedural Standards, Major Wireless Telecommunication Facilities”	X		Subject to a CUP
Section 9138.16E, “Application Requirements”	X		
Section 9138.16F1-7, “Design and Development Standards”	X		Existing height can be allowed if there is no expansion or intensification of the facility
Section 9138.16H, “Required Findings”	X		Subject to a CUP
Section 9138.16.K., “Nonconforming Facilities”	X		



Compliance with Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012

The new federal law relates to upgrades, removals and collocations of telecommunication facilities. The relevant code reads as follows:

“(a) Facility modifications

(1) In general

Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) Eligible facilities request

For purposes of this subsection, the term “eligible facilities request” means any request for modification of an existing wireless tower or base station that involves—

- (A) Collocation of new transmission equipment;
- (B) Removal of transmission equipment; or
- (C) Replacement of transmission equipment.

(3) Applicability of environmental laws

Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.”

(47 USC 1455(a))

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.

Requirement of CUP and DOR

CMC Section 9138.16.D.2 requires major communication facilities to be approved by a DOR and CUP:

“Major Communications Facilities. Major communications facilities shall be subject to the approval of a development plan in accordance with the site plan and design review procedures as provided in CMC 9172.23 and conditional use permit procedures as provided in CMC 9172.21.”

The applicant has filed for CUP No. 942-13. DOR No. 637-96 was approved in 1995 by the Planning Commission before the enactment of the City’s Telecommunications Ordinance. Due to the proposed modifications to the tower, a modification to DOR No. 637-96 has also been filed. Findings can be found in the attached resolution.

Design and Development Standards

CMC Section 9138.16.F, Design and Development Standards, requires all telecommunication facilities to comply with the following sections pertinent to the subject site:

o Height.

- o In zoning districts with no maximum height limit, a communications facility which utilizes a freestanding support structure shall not exceed fifty (50) feet in height above the ground. The zoning of all locations shall be interpreted in accordance with CMC 9114.2.
 - The height of the existing tower is 150 feet. The proposed project is for the replacement of existing antennas and addition of other equipment in generally the same location. Thus, this is not considered an intensification.
 - The Planning Commission or Planning Division may consider approval of facilities to exceed the maximum height limit described in this Section subject to approval of a minor or major exception as described in subsection G (Exceptions) of this Section. Existing facilities lawfully erected prior to July 17, 2003, may have a height limit greater than subsection G (Exceptions) of this Section provided there is no expansion or intensification to the facility.
 - The Planning Commission may approve greater height limits for existing lawfully erected facilities provided there is no expansion or intensification to the facility. The existing facility was erected legally and subsequently became nonconforming with adoption of the 2003 Ordinance. Section 6409(a) of the Tax Act provides that the City “may not deny and shall approve” proposed upgrades to wireless facilities; however, this section is silent on nonconforming uses, and the intent of the section was for the rapid deployment of new technology. As such, while not entirely clear, it would appear that Section 6409(a) requires that the City must approve the



proposed facility, despite its nonconformity, or risk litigation from the carrier. As such, the conditions of approval reserve the City's right to bring this facility back for review in the event section 6409(a) is repealed or amended.

- **Painting. The communications facility and supporting structure(s) shall be painted a neutral, non-glossy color that matches the color of the structure to be mounted on or to the color of the surrounding environment subject to the satisfaction of the Planning Manager.**
- The proposed project is painted a neutral, non-glossy color, and somewhat blends into the surrounding environment. Per Design Overlay Review No. 601-94, "the tower location is approximately 425 feet from the nearest single family residential area and the tower will blend with the KV lines and will not be visually unattractive to the single family residence to the east, and the use blends in with the industrial environment of the area." However, section 6409(a) of the Tax Act provides that the City "may not deny and shall approve" proposed upgrades to wireless facilities. This code section is silent on nonconforming uses, and the intent of the code section was for the rapid deployment of new technology. As such, while not entirely clear, it would appear that Section 6409(a) requires that the City must approve the proposed facility, despite its nonconformity, or risk litigation from the carrier. As such, the conditions of approval reserve the City's right to bring this facility back for review in the event section 6409(a) is repealed or amended.

Requirement for Stealth Design

CMC Section 9138.16.H requires the Planning Commission to make 3 findings, including the following finding when approving telecommunication facilities:

"The proposed communications facility will be aesthetically compatible, 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 stealth which incorporates the facility with the structure in which it will be mounted through use of material, color, and architectural design." (9138.16.H.2)

In light of the Tax Act and the limitations imposed on the City's ability to regulate facilities, staff is of the opinion that at this time the proposed modification is sufficient. The tower is existing and DOR No. 601-94 was reviewed and approved by the Planning Commission in 1994. Notably, the conditions of approval allow the City to bring the facility back for review by the City and the Planning Commission in the event the law is changed or repealed.

Non-Conforming Facilities

CMC Section 9138.16.K. states that non-conforming facilities have to comply with certain requirements:

“.... Any major communications facility that is lawfully constructed prior to the effective date of the ordinance codified in this Section shall be deemed a nonconforming use and will be subject to the provision of CMC 9182.21 and 9182.22. Additionally, CMC 9172.25 and 9182.05 shall govern any request for an extension to the nonconforming privilege.”

According to the section cited above, the proposed project is considered a nonconforming use and subject to CMC Section 9182.22 and 9182.22.A, Termination of Existing Nonconforming Use. These sections state that nonconforming telecommunication facilities shall be terminated and made conforming in all aspects within 5 years from the date of the adoption of Ordinance No. 03-1284:

“A lawfully established use which becomes a nonconforming use, including any buildings, structures or facilities designed or intended only for uses which are nonconforming, shall be terminated and such buildings, structures or facilities shall be removed or made conforming in all respects within the time period specified in subsection A or B of this Section, whichever is applicable and results in the later termination date.

A. The time period indicated in the following table measured from the date of becoming a nonconforming use:

Use	Allowable Life
Wireless telecommunications facility, transmitter, receiver or repeater station – radio, television, microwave	5 years”

The facility was constructed in 1995 and 5 years have passed since the adoption of Ordinance 03-1284 in 2003; therefore, the facility is required to be made conforming. Approval of CUP No. 942-13 and implementation of the conditions of approval would render the facility conforming. Additionally, there are similar existing facilities approved by the Planning Commission that exceed the height requirement.

Required Findings: Conditional Use Permit

Pursuant to Section 9172.21, Conditional Use Permit, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

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



- b. The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development.
- c. There will be adequate street access and traffic capacity.
- d. There will be adequate water supply for fire protection.
- e. The proposed use and development will be compatible with the intended character of the area.
- f. Such other criteria as are specified for the particular use in other Sections of this chapter (Zoning Ordinance).

CMC Section 9172.21 further states that:

“If the Commission finds that any adverse effects will occur as a result of the proposed use and development, such effects must be found to be justified by the benefits to the public interest which will occur as a result of such use and development.”

With the proposed design, which is not stealthed to meet City standards, the Commission can find the benefit of providing upgraded antennas and better wireless service would outweigh the adverse effects of the proposed facility.

The Planning Commission has previously approved similar non-stealthed facilities located at 17900 S. Central Avenue and 17311 S. Main Street. On November 27, 2007, the Planning Commission approved a colocation on an existing 230-foot high lattice tower. The Planning Commission found that the tower was consistent with the surrounding commercial and residential uses and was compatible in design with existing and anticipated development in the vicinity. On October 13, 2009, a similar approval was granted for 17311 S. Main Street.

“If the Commission does not make affirmative findings with respect to the above criteria and is unable to impose conditions to mitigate any adverse finding, the Commission shall disapprove a Conditional Use Permit.”

The Commission can make affirmative findings with respect to the above criteria and is able to impose conditions to mitigate any adverse finding; further the City is limited in its ability to request modifications in light of the new federal law and therefore, staff recommends that the Commission approve the requested Conditional Use Permit.

In making its decision, the Commission shall adopt written findings with respect to the above criteria.

Required Findings: Wireless Telecommunications Facilities

Pursuant to Section 9138.16, 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:

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

While the proposed facility complies with most of the requirements of Chapter 1 of the Carson Municipal Code, Section 6409(a) of the Tax Act provides that the City "may not deny and shall approve" proposed upgrades to wireless facilities, and the City is preempted from imposing its standards. As such, the conditions of approval reserve the City's right to bring this facility back for review in the event Section 6409(a) is repealed or amended. Details can be found in the attached Resolution.

Modification to Design Overlay Review (DOR) No. 601-94:

On January 2, 1995, the Redevelopment Agency approved DOR No. 601-94 which included the following:

- Design Overlay Review (DOR) for architectural design for a 150-foot high telecommunication tower.

Per Condition No. 3 of the approved conditions of approval, substantial changes require review by the Planning Commission.

Issues of Concern / Mitigation:

- Issue – No intensification of antennas: Staff's review of the proposed site plan indicates the replacement, and not intensification, of antennas on the tower.
- Issue - Middle Class Tax Relief and Job Creation Act of 2012: To bring the facility back for review in the event Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 is repealed or amended, the following condition will be added:
 - The City reserves the right to rescind or modify the approvals should Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 be modified or repealed. However, the City agrees that should



said law be repealed or modified, the City will wait a minimum of 3 years, from the date of the Planning Commission approval, prior to bringing the project back for review and reconsideration. In the event the law is repealed or modified after said 3 year period, the City may bring back the project for review and reconsideration at any time.

IV. Environmental Review

Pursuant to Section 15301 of the California Environmental Quality Act (CEQA), the proposed modification of a wireless telecommunications facility on an existing telecommunication tower site is "Categorically 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. 942-13 AND MODIFICATION NO. 1 TO DESIGN OVERLAY REVIEW NO. 601-94 TO REPLACE ANTENNAS AND UPGRADE ASSOCIATED EQUIPMENT ON AN EXISTING 150-FOOT HIGH LEGAL NON-CONFORMING COMMUNICATIONS STEEL TOWER LOCATED AT 17120 SOUTH MAIN STREET."

VI. Exhibits

1. Land use map
2. Redevelopment Agency Resolution No. 95-04
3. Site Justification Study / RF Emissions Report
4. Resolution
5. Site plan, elevations, floor plans (under separate cover)

Prepared by:


Max Castillo, Assistant Planner

Reviewed by:

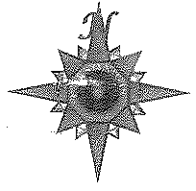
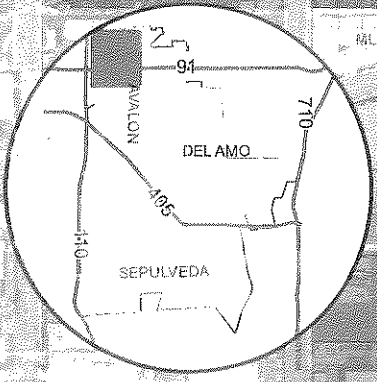
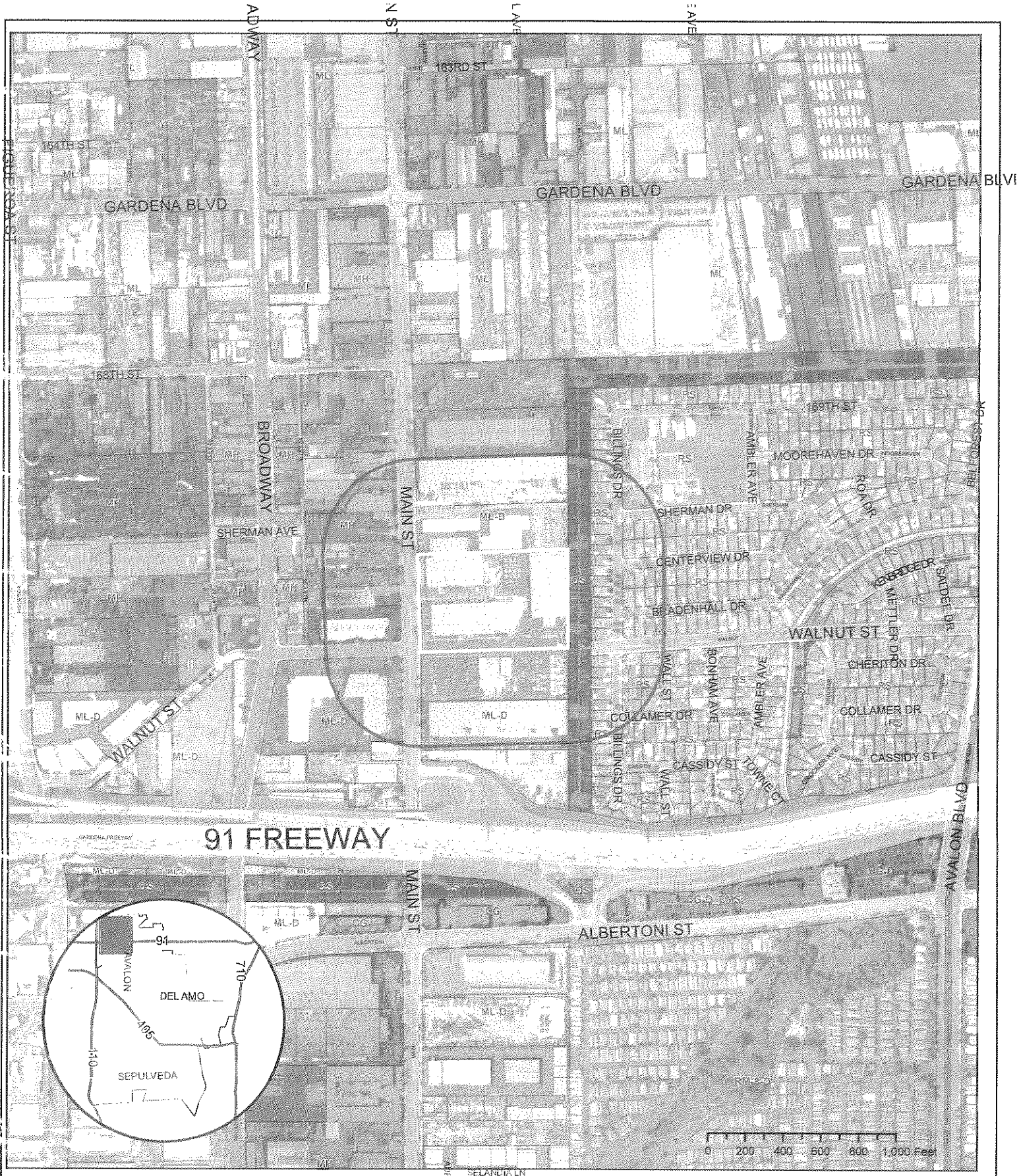

John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp, Loadsman, Planning Officer

MC/c94213_d60194-Mod1_17120SMaInSt_p





City of Carson EXHIBIT NO. 01
500 Foot Radius Map
17120 South Main Street

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RESOLUTION NO. 95-04

A RESOLUTION OF THE CITY OF CARSON
REDEVELOPMENT AGENCY APPROVING DESIGN
OVERLAY REVIEW NO. 601-94

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

Section 1. An application was duly filed by the applicant, AirTouch Cellular, with respect to real property located at 17120 Main Street described in Exhibit "A" attached hereto, requesting the approval of Design Overlay Review No. 601-94.

Section 2. A public hearing was duly held by the Carson Planning Commission on January 10, 1995 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. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting. At the conclusion of said meeting, the Planning Commission adopted Resolution No. 95-1575, recommending approval of the project to the Carson Redevelopment Agency.

Section 3. The Redevelopment Agency finds that:

a) The proposed communications' facility will consist of a 150 steel tower with 16 foot whip antennas. The tower will support three cellular arrays, 21 directional antennas, and 15 microwave antennas that range in size from 2 - 8 feet in diameter. The use of a communications' facility is permitted in the MH (Manufacturing, Heavy) zoned pursuant to Carson Municipal Code Section 9141.1. The tower is located in the Redevelopment Planning Area No.1.

b) The subject property is bound by Open Space which contain High voltage (KV) lines and single family dwellings to the east; Main Street and heavy manufacturing to the west; Walnut Street and light manufacturing to the south, and 166th Street to the north. The proposed location for the tower is located approximately 425 feet from the single family residential area. The size of the tower will blend with the KV lines and will not be visually unattractive to the single family residence to the east, and the use blends in with the industrial environment of the area.

c) The proposed project adheres to the goals and policies described in the Land Use Element of the General Plan. It is a stated goal to provide for the establishment, expansion and preservation of a full range of industrial uses which are acceptable within the community as a whole but whose operations require provisions for controlling adverse effects upon the more sensitive areas of the city. The project achieves these goals by providing an industrial use acceptable to the community, because this tower blends with the surrounding industrial environment and contributes little additional visual impacts to the surrounding areas.

Section 4. Based on the aforementioned findings, the Carson Redevelopment Agency hereby approves DOR No. 601-94 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto, and adopts the Negative Declaration.

B - RESOREDE.DOC

EXHIBIT NO. 02

13

Section 5. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

PASSED, APPROVED AND ADOPTED THIS 24TH DAY OF JANUARY, 1995

Richard J. Gath
CHAIRMAN

ATTEST:

Helen S. Kawagos
SECRETARY

APPROVED AS TO FORM:

[Signature]
AGENCY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, Helen S. Kawagos, Agency Secretary of the Redevelopment Agency, Carson, California, do hereby certify that the whole number of members of the Carson Redevelopment Agency of said City is five; that the foregoing resolution, being Resolution No. 95-04 was duly and regularly adopted by said Agency at a regular meeting duly and regularly held on the 24th day of January, 1995, and that the same was so passed and adopted by the following vote:

AYES: AGENCY MEMBERS: Calas, Diaes, O'Neal, Fajardo, and Mitoma
NOES: AGENCY MEMBERS: None
ABSTAIN: AGENCY MEMBERS: None
ABSENT: AGENCY MEMBERS: None

Helen S. Kawagos
Agency Secretary

EXHIBIT "A"
LEGAL DESCRIPTION

Lot 3 of South Gardena Tract 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.

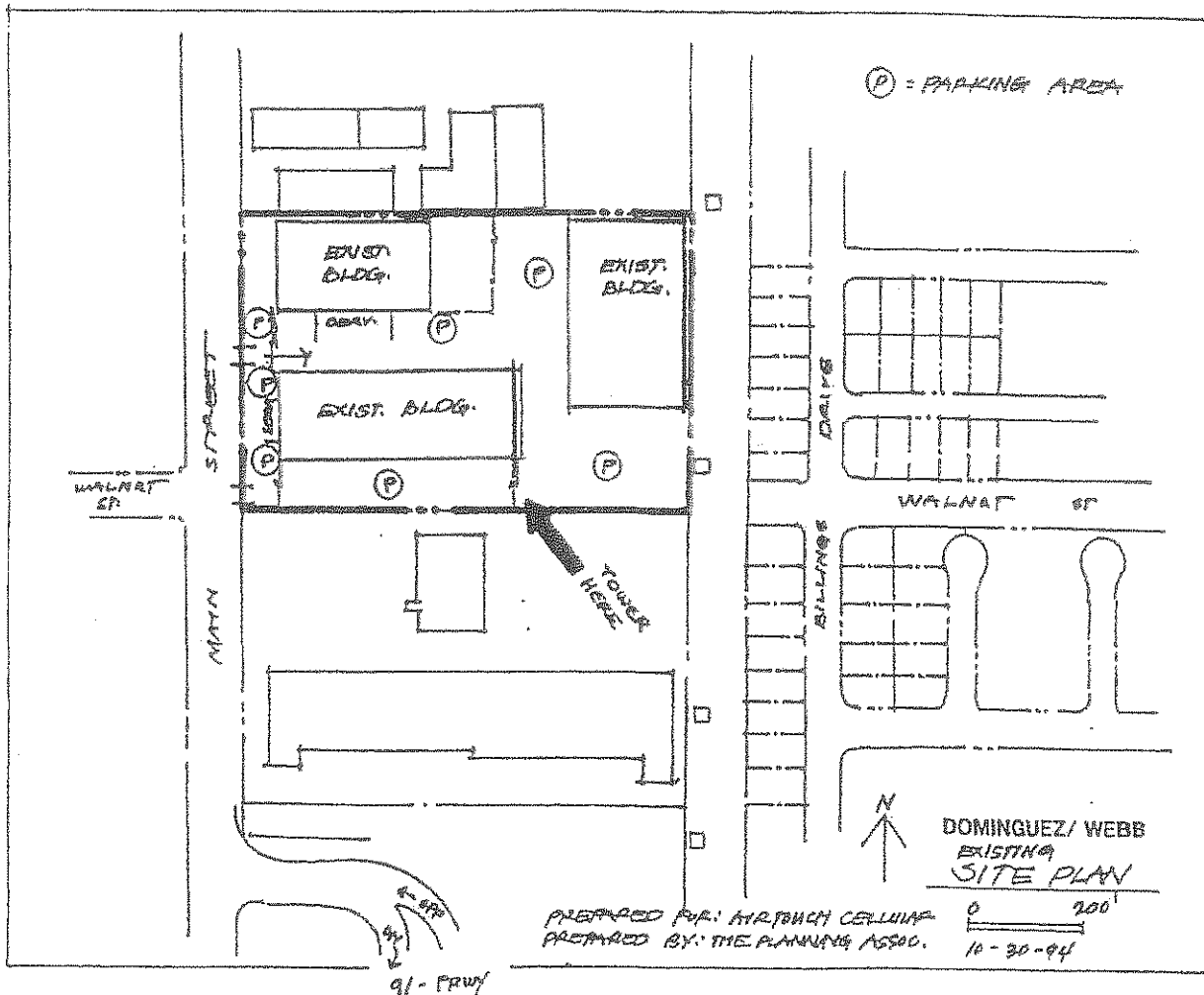


EXHIBIT "E"

CONDITIONS OF APPROVAL

DESIGN OVERLAY REVIEW NO. 601-94

COMMUNITY DEVELOPMENT DEPARTMENT

1. If Design Overlay Review No.601-94, 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 applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. The applicant shall make any necessary site plan and design revisions to the plot plan and elevations approved by the Planning Commission as Exhibits "C-1" and "D-1" respectively in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review by the Planning Commission.
4. The applicant shall file an Affidavit of Acceptance with the Community Development Department within thirty days of receipt of the Planning Commission Resolution. The applicant shall record said Affidavit and these Conditions of Approval in the Office of the Los Angeles County Recorder, and proof of such recordation shall be submitted to the Community Development Department within thirty days of receipt of the Planning Commission Resolution.
5. It is further made a condition of this approval that if any condition is violated or if any law, statute or ordinance is violated, the permit shall lapse, provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
6. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
7. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Community Development Department prior to the issuance of a building permit.
8. Within forty-eight hours of approval of the subject project, the applicant shall deliver to the Community Development Department a cashier's check or money order payable to the County Clerk in the amount of \$25.00 (twenty-five dollars) pursuant to AB 3185, Chapter 1706, Statutes of 1990, to enable the city to file the Notice of Determination required under Public Resources Code Section 21152 and 14 California. Code of Regulations 15075. If within such forty-eight hour period the applicant has not delivered to the Community Development Department the above-noted cashier's check or money order, the approval for the project granted herein may be considered automatically null and void.
9. In addition, should the Department of Fish and Game reject the Certificate of Fee Exemption filed with the Notice of Determination and require payment of fees, the applicant shall deliver to the Community Development Department, within forty-eight hours of notification, a cashier's check or money order payable to the County Clerk in the amount of \$1,250 (one thousand two hundred fifty dollars) pursuant to AB 3158, Chapter 1706, Statutes of 1990. If this fee is imposed, the subject project shall not be operative, vested or final unless and until the fee is paid.
10. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.

11. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

12. The most southerly driveway to the property shall be removed and replaced with standard curb, gutter, and sidewalk.
13. The minor damage to existing concrete street/parkway improvements shall be repaired.
14. All work within the public right of way shall conform to the applicable standards and requirements of the Engineering Services Department, including but not limited to obtaining necessary permits and payment of associated fees.

BUILDING AND SAFETY

15. Aviation Division approval must be submitted prior to issuance of a building permit. Please contact:

900 Fremont Avenue, Alhambra tel no. (818) 458-7389
16. A certificate of Workmen's Compensation Insurance must on file with the City Building and Safety before a permit can be issued..
17. Structural calculations prepared and signed by a licensed structural engineer must be submitted for review.
18. All loads shall be in accordance with UBC chapter 23.



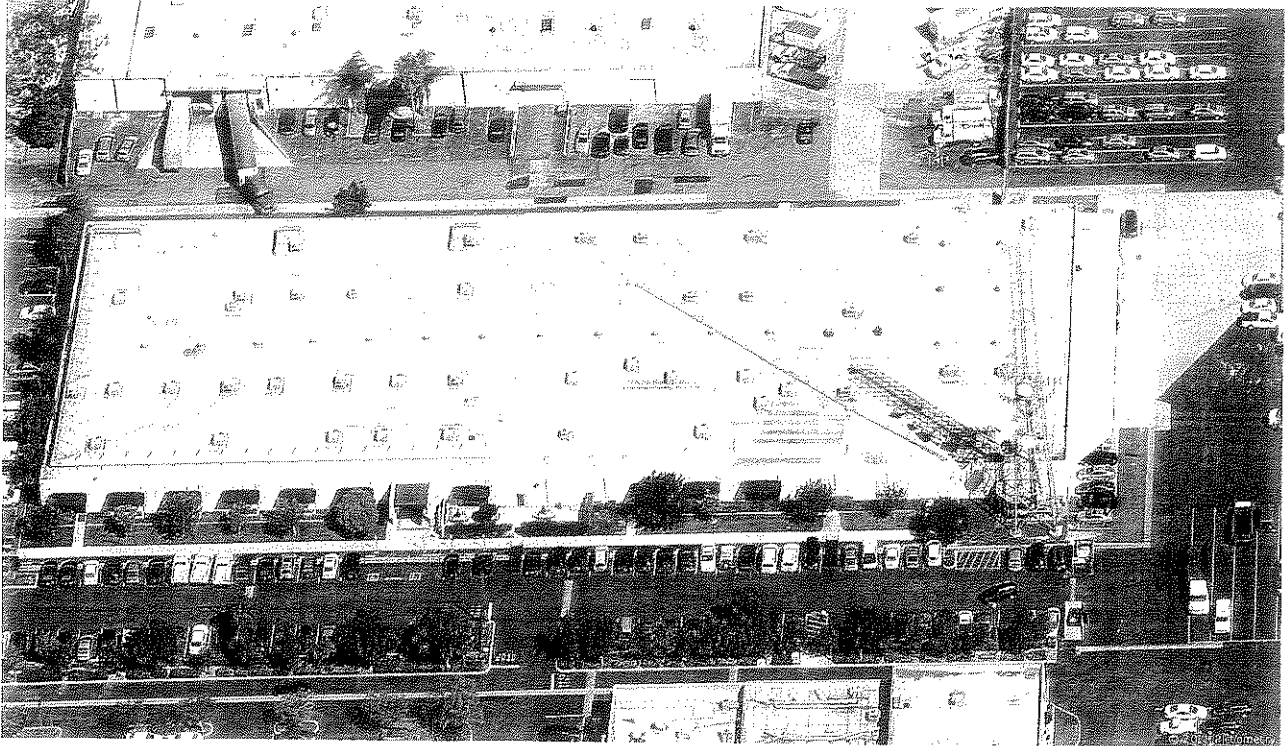
Site Justification for Verizon Wireless Modification at 17120 S Main Street

Verizon Wireless is currently in the process of upgrading their entire LTE network to provide for increased network capacity. Verizon has determined that usage of the LTE network in this area has increased and that increasing network capacity is needed to ensure consistency in quality of service at peak demand times. When the network reaches capacity the user experience is impacted – calls may not be connected and data throughput may be significantly reduced or interrupted. Therefore the proposed antenna modification is needed to ensure a consistent high-quality user experience across the network in this geographic area.

This facility was previously approved by Planning Commission (DOR 601-95) and based on their review, this site zoned Manufacturing Heavy was acceptable to construct a wireless facility. With this application, Verizon proposes to modify the equipment to improve the capacity of the network and meet the growing demand of wireless users in this neighborhood. Modifying this facility, rather than adding another facility to the neighborhood, will be less detrimental to the aesthetic and image of the city.

The proposed modifications and technology modernization to this existing facility will continue to, and in fact, improve the network capacity, speed, and wireless communication service provided to the community, thereby enhancing the general welfare of the community. Verizon believes the proposed maintenance modifications are minor and that the original intent of the project approval would be preserved. Additionally, per the FCC definition, the modifications are not substantial changes. Consequently, this project is an “Eligible Facilities Request” under the Tax Relief therefore Verizon believes that these minor modifications should be reviewed and approved administratively, if possible.

Dominguez Radio Frequency (RF) Site Compliance Report

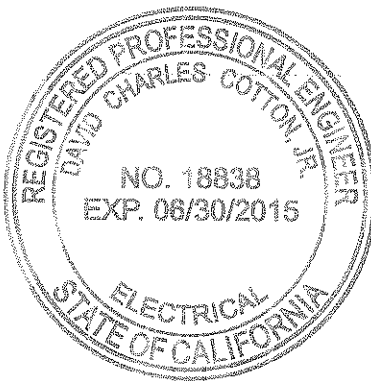


17120 South Main Street, Carson, CA 90248

**Verizon Wireless will be Compliant Based on
FCC Rules and Regulations.**

**The Site is Not Compliant with Verizon Wireless
Signage and Demarcation Policy.**

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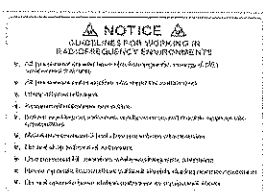



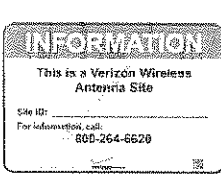
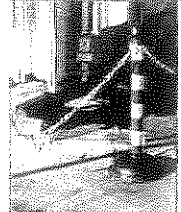


**David Charles Cotton, Jr.
Registered Professional Engineer (Electrical)
State of California, 18838, Expires 30-June-2015
Date: 2013-September-16**

Radio Frequency Exposure Pre-Installation FCC Compliance Assessment

Site Specific Information			
Site Name	Dominguez	Categorically Excluded?	No
Street Address	17120 South Main Street	5% Contributor To Areas Requiring Mitigation?	No
City, State, Zip	Carson, CA 90248		
Multi-License Facility	Yes	Max % MPE (Predictive)	0.0%
Structure Type	Tower	Max % MPE (Measured)	N/A
Broadcast Equipment	No	Assessment Date	September 13, 2013
# of Access Points	#1	Assessment Purpose	MODIFICATION
Compliance Status		MITIGATION REQUIRED	

<input checked="" type="checkbox"/>	Worst-case RF power density levels are BELOW the MPE for General Population/Uncontrolled Environments in accessible areas.
<input type="checkbox"/>	Worst-case RF power density levels are ABOVE the MPE for General Population/Uncontrolled Environments but BELOW the MPE for Occupational/Controlled environments.
<input type="checkbox"/>	Worst-case RF power density levels are ABOVE the MPE for Occupational/Controlled Environments but BELOW 10x the MPE for Occupational/Controlled environments.
<input type="checkbox"/>	Worst-case RF power density levels are ABOVE 10x the MPE for Occupational/Controlled environments.

Compliance Requirements						
	Guidelines	Notice	Caution	Warning	NOC Information	Barrier
Access Point #1	<input checked="" type="checkbox"/> [1]	<input type="checkbox"/> [#]	<input checked="" type="checkbox"/> [1]	<input type="checkbox"/> [#]	<input checked="" type="checkbox"/> [1]	<input type="checkbox"/>
Alpha	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/>
Beta	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/>
Gamma	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/>

Additional Compliance Requirements(s):			
Post a 10 step guideline, yellow caution and NOC information sign at the base of the tower. Restrict access to the tower by locking the access ladder or install a fence around the site.			
Consultant Legal Name	Sitesafe, Inc.	Phone/Fax	703-276-1100
Address	200 North Glebe Road, Suite 1000 Arlington, VA 22203-3728		



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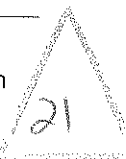
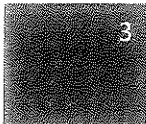
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1. Executive Summary

Verizon Wireless has contracted with Sitesafe, Inc., an independent Radio Frequency consulting firm, to conduct a Radio Frequency Exposure (RFE) Compliance **Pre-Installation Assessment** of the Dominguez cell site. The following report contains a detailed summary of the Radio Frequency environment as it relates to Federal Communications Commission (FCC) and Occupational Safety & Health Administration (OSHA) Rules and Regulations for all individuals.

The Verizon Wireless antenna data was provided by:

Name	Arlet Vargas
Title	Engineer III Consultant-RF
Date	September 12, 2013
Region	Southern California

This pre-installation compliance assessment and report has been prepared and reviewed by:

	Preparer	Reviewer
Name	John Lee	(See PE signature on title page)
Title	EME Report Writer	Professional Engineer
Date	9/13/2013	9/13/2013

This report utilizes the following for predictive modeling of the ambient RF environment:

MPE Modeling Program: SitesafeTC

Required Modeling Assumptions: 100% Duty Cycle and Maximum Total Power Output.

Additional Modeling Assumptions:

General Model Assumptions

In this site compliance report, it is assumed that all antennas are operating at **full power at all times**. Software modeling was performed for all transmitting antennas located on the site. Sitesafe has further assumed a 100% duty cycle and maximum radiated power.

The site has been modeled with these assumptions to show the maximum RF energy density. Sitesafe believes this to be a worst-case analysis, based on best available data. Areas modeled to predict emissions greater than 100% of the applicable MPE level may not actually occur, but are shown as a worst-case prediction that could be realized real time. Sitesafe believes these areas to be safe for entry by occupationally trained personnel utilizing appropriate personal protective equipment (in most cases, a personal monitor).

Thus, at any time, if power density measurements were made, we believe the real-time measurements would indicate levels below those depicted in the RF emission diagram(s) in this report. By modeling in this way, Sitesafe has conservatively shown exclusion areas – areas that should not be entered without the use of a personal monitor, carriers reducing power, or performing real-time measurements to indicate real-time exposure levels.

Use of Generic Antennas

For the purposes of this report, the use of “Generic” as an antenna model, or “Unknown” for an operator means the information about a carrier, their FCC license and/or antenna information was not provided and could not be obtained while on site. In the event of unknown information, Sitesafe will use our industry specific knowledge of equipment, antenna models, and transmit power to model the site. If more specific information can be obtained for the unknown measurement criteria, Sitesafe recommends remodeling of the site utilizing the more complete and accurate data. Information about similar facilities is used when the service is identified and associated with a particular antenna. If no information is available regarding the transmitting service associated with an unidentified antenna, using the antenna manufacturer’s published data regarding the antenna’s physical characteristics makes more conservative assumptions.

Where the frequency is unknown, Sitesafe uses the closest frequency in the antenna’s range that corresponds to the highest Maximum Permissible Exposure (MPE), resulting in a conservative analysis.

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2. Proposed Site Characteristics

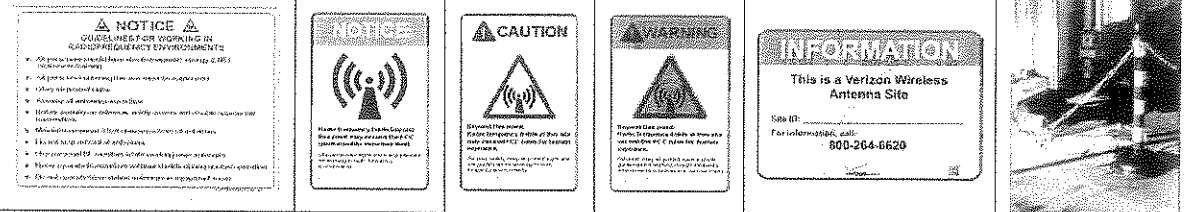
a. Structure

Physical Description	Tower
Site Latitude (NAD 83)	N33-52-32.00
Site Longitude (NAD 83)	W118-16-22.00
Site Elevation (AMSL)	43 FT
Structure Height (AGL)	150 FT
Overall Structure Height	150 FT

b. Accessibility

The site is a tower. There is General public access to the tower.

c. Verizon Wireless Signage

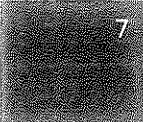
Existing Signage						
	Guidelines	Notice	Caution	Warning	NOC Information	Barrier
Access Point #1	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/>
Alpha	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/>
Beta	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/>
Gamma	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/>
Existing Signage Adheres to VZW Signage & Demarcation Policy?						No

d. Antenna Inventory

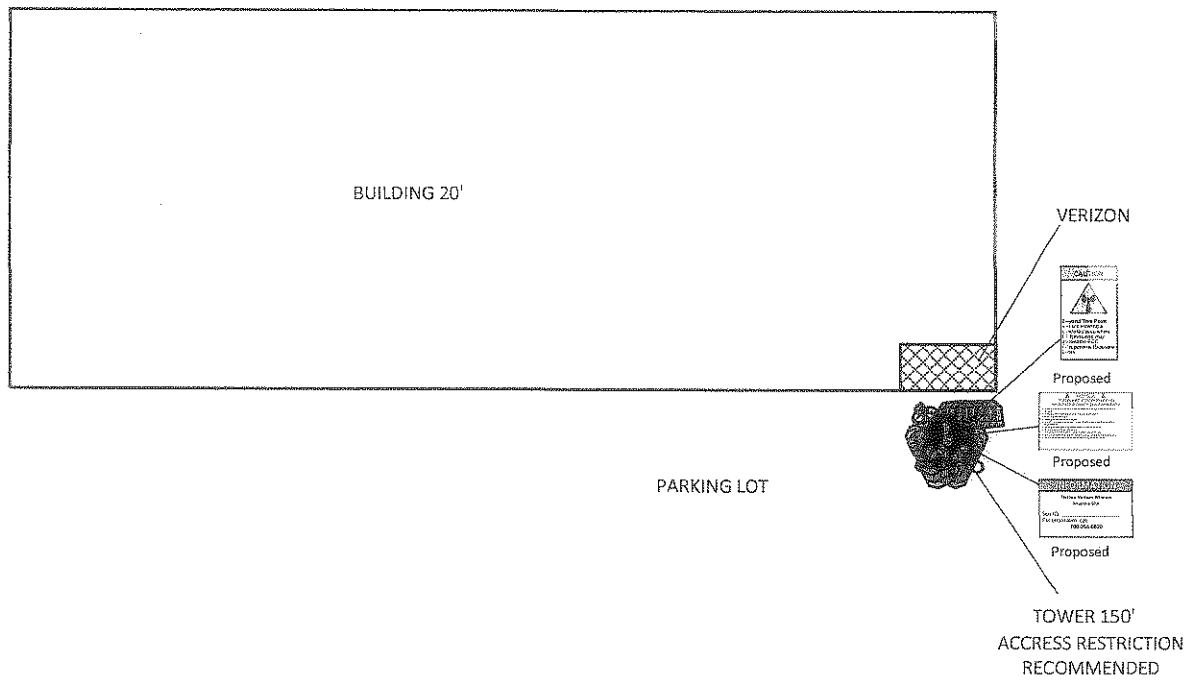
Ant ID	Operator	Antenna Make & Model	Type	TX Freq (MHz)	Az (Deg)	Hor BW (Deg)	Ant Len (ft)	Ant Gain (dBd)	Total ERP (Watts)	X	Y	Z
1	VERIZON WIRELESS	Antel BXA-80063-4CF	Panel	850	110	63	4	13.01	2288	566.7'	456.2'	70'
2	VERIZON WIRELESS	LTE Spare	Panel	751	110	64	4.3	11.6	0	565.2'	453'	70'
3	VERIZON WIRELESS	Spare	Panel	850	110	89	1.3	11.01	0	563.7'	450.3'	70'
4	VERIZON WIRELESS	Antel BXA-185060-8CF	Panel	1900	110	60	4.1	16.51	3841	562.3'	447.6'	70'
5	VERIZON WIRELESS	Spare	Panel	850	110	89	1.3	11.01	0	561.1'	445.4'	70'
6	VERIZON WIRELESS	Tenxc BSA-M65-19R010-02_Left (Proposed)	Panel	2100	110	30	6	16.25	1340	560.2'	443'	70'
6	VERIZON WIRELESS	Tenxc BSA-M65-19R010-02_Right (Proposed)	Panel	2100	110	30	6	16.07	1340	560'	443'	70'
6	VERIZON WIRELESS	Tenxc BSA-M65-19V010-02_Left (Proposed)	Panel	751	110	30	6	12.55	572	560'	443'	70'
6	VERIZON WIRELESS	Tenxc BSA-M65-19V010-02_Right (Proposed)	Panel	751	110	30	6	12.36	572	560'	443'	70'
7	VERIZON WIRELESS	Spare	Panel	850	110	89	1.3	11.01	0	559'	440.8'	70'
8	VERIZON WIRELESS	Antel BXA-80063-4CF	Panel	850	240	63	4	13.01	2288	551.1'	440.5'	70'
9	VERIZON WIRELESS	LTE Spare	Panel	751	240	64	4.3	11.6	0	549.6'	443.1'	70'
10	VERIZON WIRELESS	Spare	Panel	850	240	89	1.3	11.01	0	548.3'	446.3'	70'
11	VERIZON WIRELESS	Antel BXA-185060-8CF	Panel	1900	240	60	4.1	16.51	3841	547.3'	449.2'	70'
12	VERIZON WIRELESS	Spare	Panel	850	240	89	1.3	11.01	0	546.1'	451.6'	70'
13	VERIZON WIRELESS	Tenxc BSA-M65-19R010-02_Left (Proposed)	Panel	2100	240	30	6	16.25	1340	544.7'	453.8'	70'
13	VERIZON WIRELESS	Tenxc BSA-M65-19R010-02_Right (Proposed)	Panel	2100	240	30	6	16.07	1340	544.7'	453.8'	70'
13	VERIZON WIRELESS	Tenxc BSA-M65-19V010-02_Left (Proposed)	Panel	751	240	30	6	12.55	572	544.6'	453.8'	70'
13	VERIZON WIRELESS	Tenxc BSA-M65-19V010-02_Right (Proposed)	Panel	751	240	30	6	12.36	572	544.6'	453.8'	70'
14	VERIZON WIRELESS	Spare	Panel	850	240	89	1.3	11.01	0	543.6'	457'	70'
15	VERIZON WIRELESS	Antel BXA-80063-4CF	Panel	850	350	63	4	13.01	2288	557'	466.2'	70'
16	VERIZON WIRELESS	LTE Spare	Panel	751	350	64	4.3	11.6	0	559.4'	466.6'	70'
17	VERIZON WIRELESS	Spare	Panel	850	350	89	1.3	11.01	0	562'	466.5'	70'
18	VERIZON WIRELESS	Antel BXA-185060-8CF	Panel	1900	350	60	4.1	16.51	3841	564.8'	466.5'	70'
19	VERIZON WIRELESS	Spare	Panel	850	350	89	1.3	11.01	0	567.8'	466.6'	70'
20	VERIZON WIRELESS	Tenxc BSA-M65-19R010-02_Left (Proposed)	Panel	2100	350	30	6	16.25	1340	570.7'	466.6'	70'
20	VERIZON WIRELESS	Tenxc BSA-M65-19R010-02_Right (Proposed)	Panel	2100	350	30	6	16.07	1340	570.5'	466.6'	70'
20	VERIZON WIRELESS	Tenxc BSA-M65-19V010-02_Left (Proposed)	Panel	751	350	30	6	12.55	572	570.5'	466.6'	70'
20	VERIZON WIRELESS	Tenxc BSA-M65-19V010-02_Right (Proposed)	Panel	751	350	30	6	12.36	572	570.5'	466.6'	70'
21	VERIZON WIRELESS	Spare	Panel	850	350	89	1.3	11.01	0	573.5'	466.6'	70'
22	LOS ANGELES SMSA LIMITED PARTNERSHIP	Generic 10 GHz/11 GHz Microwave/4 Ft.	Dish	10855	336	2	4	37.66	14626.8	545.5'	466.2'	29'
23	LOS ANGELES SMSA LIMITED PARTNERSHIP	Generic 10 GHz/11 GHz Microwave/4 Ft.	Dish	11000	180	2	4	37.66	100	549.8'	449.8'	50'
24	LOS ANGELES SMSA LIMITED PARTNERSHIP	Generic 10 GHz/11 GHz Microwave/4 Ft.	Dish	11000	180	2	4	37.66	100	551'	449.8'	60'
25	LOS ANGELES SMSA LIMITED PARTNERSHIP	Generic 6 GHz Microwave/4 Ft.	Dish	6093	190	2	4	32.86	1462.2	558.8'	449.6'	80'
26	LOS ANGELES SMSA LIMITED PARTNERSHIP	Generic 6 GHz Microwave/4 Ft.	Dish	6093	190	2	4	32.86	1462.2	556.2'	450.2'	83'
27	VERIZON WIRELESS	Generic 10 GHz/11 GHz Microwave/4 Ft.	Dish	11035	258	2	4	37.66	841.5	551.8'	461'	95'
28	VERIZON WIRELESS	Generic 10 GHz/11 GHz Microwave/4 Ft.	Dish	10637	258	2	4	37.66	732.9	555'	460.8'	95'
29	LOS ANGELES SMSA LIMITED PARTNERSHIP	Generic 10 GHz/11 GHz Microwave/4 Ft.	Dish	10623	192	2	4	37.66	732.9	559'	453.5'	115'
30	LOS ANGELES SMSA LIMITED PARTNERSHIP	Generic 18 GHz Microwave/4 Ft.	Dish	18130	142	2	4	42.46	197	561.2'	449.7'	119'

Ant ID	Operator	Antenna Make & Model	Type	TX Freq (MHz)	Az (Deg)	Hor BW (Deg)	Ant Len (ft)	Ant Gain (dBd)	Total ERP (Watts)	X	Y	Z
31	LOS ANGELES SMSA LIMITED PARTNERSHIP	Generic 18 GHz Microwave/2 Ft.	Dish	17810	167	2	2	37.66	37.2	556.6'	454.1'	135'
32	LOS ANGELES SMSA LIMITED PARTNERSHIP	Generic 10 GHz/11 GHz Microwave/4 Ft.	Dish	10616	255	2	4	37.66	237.2	555'	457.8'	145'

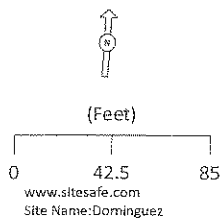
NOTE: X, Y and Z indicate relative position of the antenna to the origin location on the site, displayed in the model results diagram. Specifically, the Z reference indicates the antenna radiation center height above the main site level unless otherwise indicated. Effective Radiated Power (ERP) is provided by the operator or based on Sitesafe experience. The values used in the modeling may be greater than are currently deployed. For other operators at this site the use of "Generic" as an antenna model or "Unknown" for a wireless operator means the information with regard to operator, their FCC license and/or antenna information was not available nor could it be secured while on site. Other operator's equipment, antenna models and powers used for modeling are based on obtained information or Sitesafe experience.



RF Emissions Simulation For: Dominguez



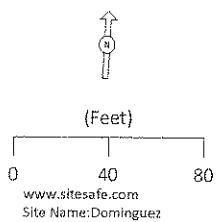
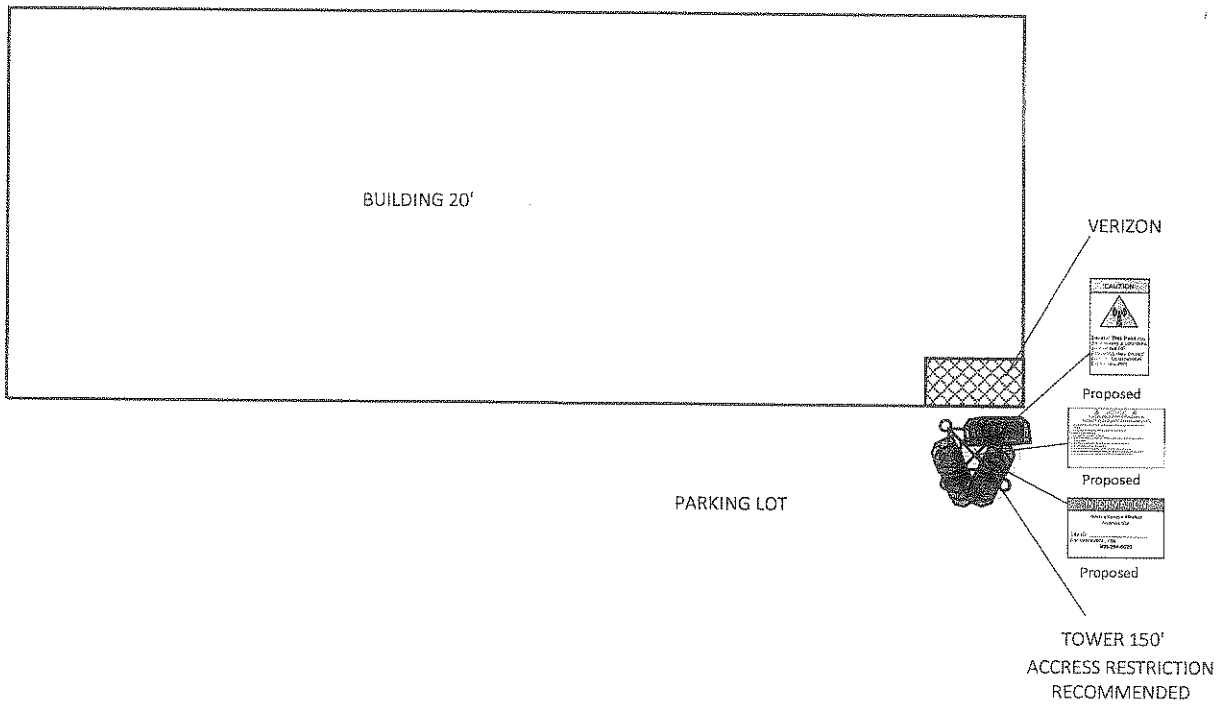
% of FCC Public Exposure Limit
Spatial average 0' - 6'



% of FCC Public Exposure Limit Spatial average 0' - 6'						
>= 5000	>= 500	>= 100	>= 5	< 5		
AT&T MOBILITY LLC	VERIZON WIRELESS	T-MOBILE	SPRINT-NEXTEL	METROPCS	CRICKET COMMUNICATIONS	CLEARWIRE

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RF Emissions Simulation For: Dominguez Verizon Wireless Contribution



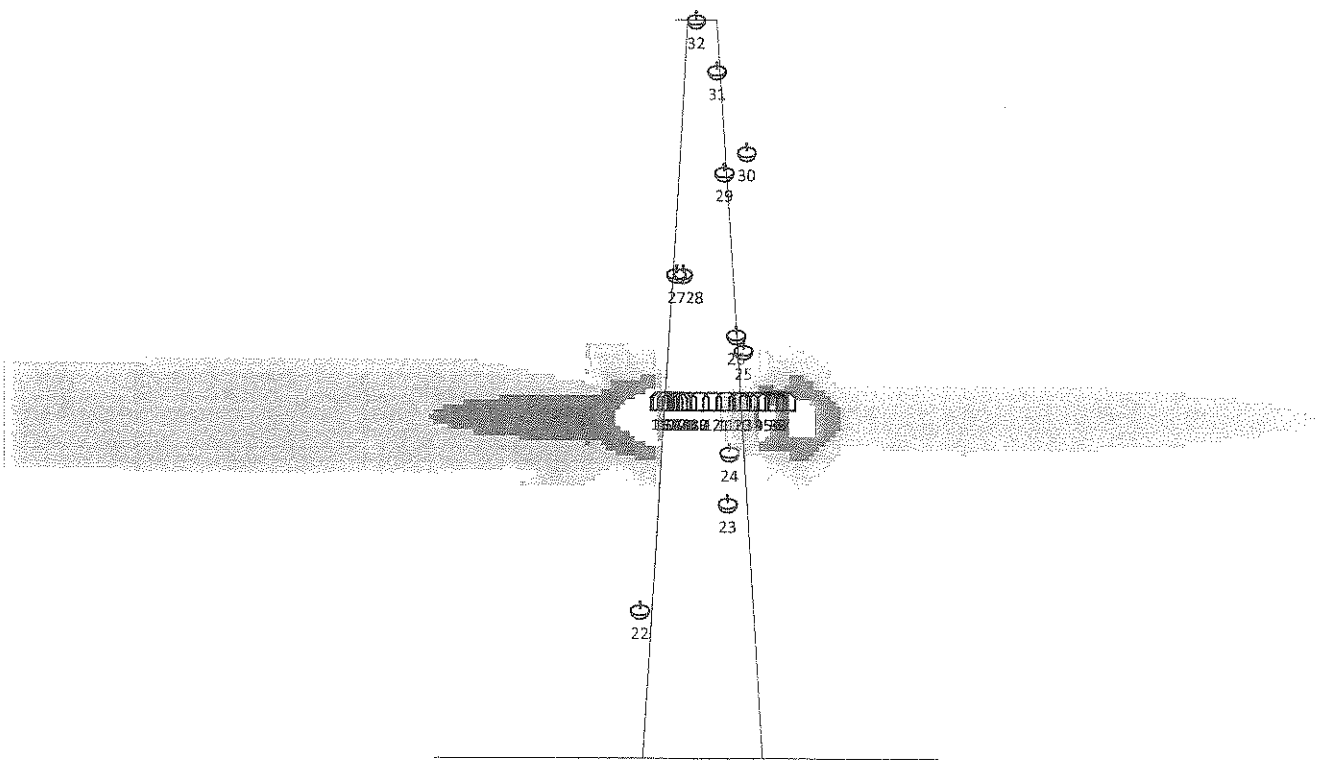
% of FCC Public Exposure Limit
Spatial average 0' - 6'

	≥ 5000	≥ 500	≥ 100	≥ 5	< 5	
AT&T MOBILITY LLC	VERIZON WIRELESS	T-MOBILE	SPRINT-NEXTEL	METROPCS	CRICKET COMMUNICATIONS	CLEARWIRE

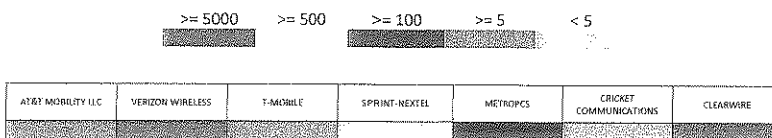
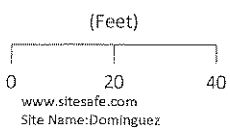
Sitesafe Inc. assumes no responsibility for modeling results not verified by Sitesafe personnel. Contact Sitesafe Inc. for modeling assistance at (703) 276-1100. SitesafeTC Version: 1.0.0.0 9/13/2013 2:09:28 PM



RF Emissions Simulation For: Dominguez Elevation View



% of FCC Public Exposure Limit
Spatial average 0' - 6'



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4. Conclusion

a. Conclusion Narrative

Description of MPE-Limit Exceeding Areas:

Verizon Wireless will be compliant with FCC Rules and Regulations. Post a 10 step guideline, yellow caution and NOC information sign at the base of the tower. Restrict access to the tower by locking the access ladder or install a fence around the site.

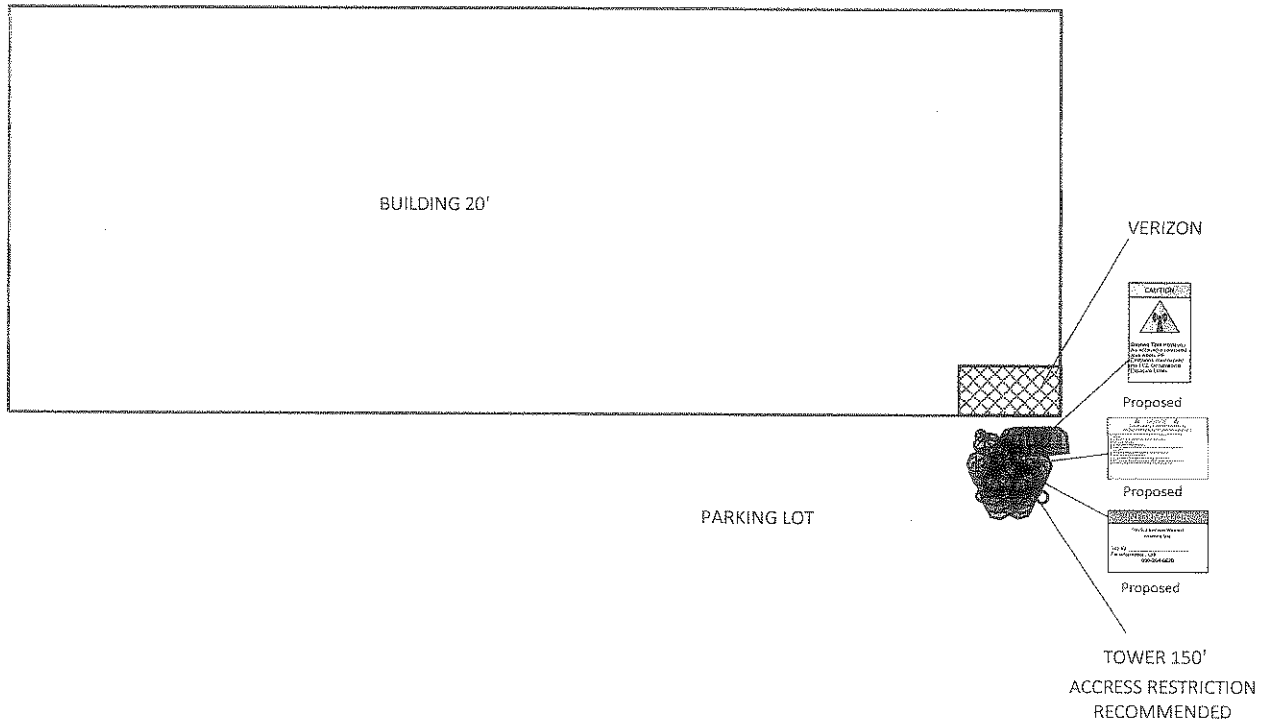
b. Compliance Requirements

Compliance Requirements						
	Guidelines	Notice	Caution	Warning	NOC Information	Barrier
Access Point #1	X [1]	<input type="checkbox"/> [#]	X [1]	<input type="checkbox"/> [#]	X [1]	<input type="checkbox"/>
Alpha	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/>
Beta	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/>
Gamma	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/> [#]	<input type="checkbox"/>

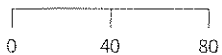
Signage/Barrier Installation Detail

Post a 10 step guideline, yellow caution and NOC information sign at the base of the tower. Restrict access to the tower by locking the access ladder or install a fence around the site.

Dominguez Signage Diagram



(Feet)



www.sitesafe.com
Site Name: Dominguez

AT&T MOBILITY LLC	VERIZON WIRELESS	T-MOBILE	SPRINT-NEXTEL	METROPCS	CRYZET COMMUNICATIONS	CLEARWIRE

Sitesafe Inc. assumes no responsibility for modeling results not verified by Sitesafe personnel.
Contact Sitesafe Inc. for modeling assistance at (703) 276-1100
SitesafeTC Version: 1.0.0.0
9/13/2013 2:05:55 PM

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5. Appendix A: RF Consultant Certifications

a. Preparer Certification

I, John Lee, the preparer of this report, am familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation. I am also familiar with the Verizon Wireless Signage & Demarcation Policy. I have reviewed this Radio Frequency Exposure Assessment report and believe it to be both true and accurate to the best of my knowledge.

John Lee

b. Reviewer Certification

The professional engineer whose seal appears on the cover of this document, the reviewer and approver of this report, am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation. I am also fully aware of and familiar with the Verizon Wireless Signage & Demarcation Policy. I have reviewed this Radio Frequency Exposure Assessment report and believe it to be both true and accurate to the best of my knowledge.

6. Appendix B: Reference Information

a. FCC Rules & Regulations

The Federal Communications Commission (FCC) has established safety guidelines relating to RF exposure from cell sites. The FCC developed those standards, known as Maximum Permissible Exposure (MPE) limits, in consultation with numerous other federal agencies, including the Environmental Protection Agency, the Food and Drug Administration, and the Occupational Safety and Health Administration. The standards were developed by expert scientists and engineers after extensive reviews of the scientific literature related to RF biological effects. The FCC explains that its standards “incorporate prudent margins of safety.” The following represents explanations of the most applicable information:

Two Classifications for Exposure Limits

Occupational – Applies to situations in which persons are “exposed as a consequence of their *employment*” and are “*fully aware* of the potential for exposure and can *exercise control* over their exposure”.

General Population – Applies to situations in which persons are “exposed as a consequence of their employment *may not be made fully aware* of the potential for exposure or *cannot exercise control* over their exposure”. Generally speaking, those without significant and documented RF Safety & Awareness training would be in the General Population classification.

Environment Classification

Controlled – Applies to environments that are restricted or “controlled” in order to prevent access from members of the General Population classification.

Uncontrolled – Applies to environments that are unrestricted or “uncontrolled” that allow access from members of the General Population classification.

<i>Limits for Occupational/Controlled Exposure</i>		
Frequency Range (MHz)	Power Density (S) (mW/cm ²)	Averaging Time (minutes)
		$ E ^2$, $ H ^2$, or S
300-1500	$f/300$	6
1500-100,000	5	6
<i>Limits for General Population/Uncontrolled Exposure</i>		
Frequency Range (MHz)	Power Density (S) (mW/cm ²)	Averaging Time (minutes)
		$ E ^2$, $ H ^2$, or S
300-1500	$f/1500$	30
1500-100,000	1	30

f = frequency in MHz

Significant Contribution to the RF Environment

Any carrier contributing an aggregate MPE percentage of 5 or more (to the applicable RF Environment Classification) is defined as a significant contributor. This means that if any area is determined to be out of compliance with FCC rules, all significant contributors are jointly responsible for correcting any deficiencies.

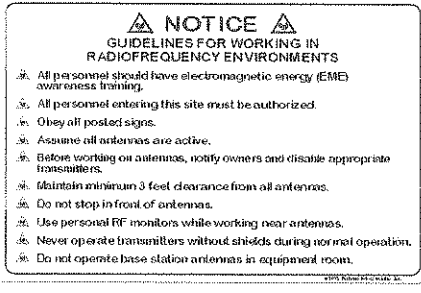
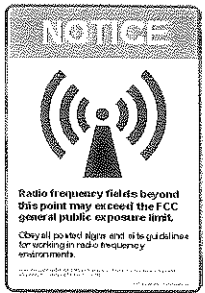
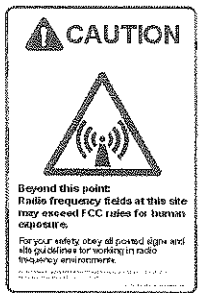
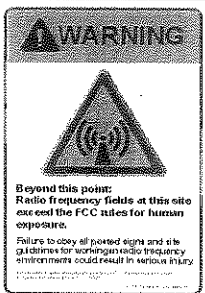
b. Occupational Safety and Health Administration (OSHA) Requirements

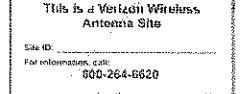
A formal adopter of FCC Standards, OSHA stipulates that those in the Occupational classification must complete training in the following: RF Safety, RF Awareness, and Utilization of Personal Protective Equipment. OSHA also provides options for Hazard Prevention and Control:

Hazard Prevention	Control
<ul style="list-style-type: none"> Utilization of good equipment Enact control of hazard areas Limit exposures Employ medical surveillance and accident response 	<ul style="list-style-type: none"> Employ Lockout/Tag out Utilize personal alarms & protective clothing Prevent access to hazardous locations Develop or operate an administrative control program

c. RF Signage

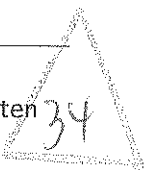
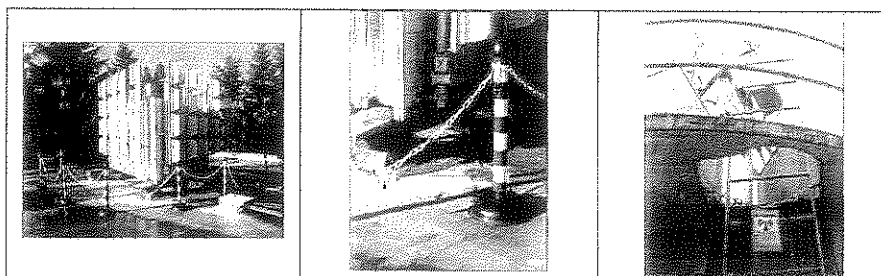
Areas or portions of any transmitter site may be susceptible to high power densities that could cause personnel exposures in excess of the FCC guidelines. These areas must be demarcated by conspicuously posted signage that identifies the potential exposure. Signage MUST be viewable regardless of the viewer's position.

GUIDELINES	NOTICE	CAUTION	WARNING
<p>Used anytime hazard signage is employed to achieve FCC compliance. This sign will inform visitors of the basic precautions to follow when working around radiofrequency equipment.</p>	<p>Used to distinguish the boundary between the General Population/Uncontrolled and the Occupational/Controlled areas. The limits associated with this notification must be less than the Occupational/Controlled MPE.</p>	<p>Identifies RF controlled areas where RF exposure can exceed the Occupational/Controlled MPE but below 10 x the Occupational/Controlled MPE.</p>	<p>Denotes the boundary of areas with RF levels substantially above the FCC limits, normally defined as those greater than ten (10) times the Occupational/Controlled MPE.</p>
			

INFORMATION SIGN	INFORMATION
<p>Information signs are used as a means to provide contact information for any questions or concerns. They will include specific cell site identification information and the Verizon Wireless Network Operations Center phone number.</p>	

d. Barriers

A barrier is any physical demarcation employed as a preventative and/or notification measure that one is entering into an area with RF power density levels greater than the General Population/Uncontrolled limit.



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 942-13 AND MODIFICATION NO. 1 TO DESIGN OVERLAY REVIEW NO. 601-94 TO REPLACE ANTENNAS AND UPGRADE ASSOCIATED EQUIPMENT ON AN EXISTING 150-FOOT HIGH LEGAL NON-CONFORMING COMMUNICATIONS STEEL TOWER LOCATED AT 17120 SOUTH 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, Christine Song, CORE Development Services, representing Heger Realty Corporation, with respect to real property located at 17120 South Main Street, and described in Exhibit "A" attached hereto, requesting the approval of Conditional Use Permit No. 942-13 and Modification No. 1 to Design Overlay Review No. 601-94 to replace antennas and associated equipment of an unmanned wireless telecommunication facility on an existing 150-foot high legal, nonconforming communications steel tower in the ML-D (Manufacturing, Light; Design Review) zone.

A public hearing was duly held on November 12, 2013, 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:

CMC Section 9172.21, Conditional Use Permit

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

The proposed project is consistent with the General Plan of the City of Carson in that it promotes sustainable communication systems that 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 proposed project is on a 9.4-acre lot that is adequate in size, topography, and location to accommodate the proposed project.

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

Adequate access is provided to the site from Main Street. No additional traffic is expected as a result of the proposed project.

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

The project site and surrounding area is developed and adequate water supply for fire protection is provided.

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

The proposed project will be more compatible with the intended character of the area than the existing antennas and the originally proposed project as it better blends in with the surrounding industrial development. The proposed project is governed by the design requirement for telecommunication facilities as stated in CMC Section 9138.16.H; and while it is not a completely stealth design as required by City standards, Section 6409(a) of the Tax Act provides that the City "may not deny and shall approve" proposed upgrades to wireless facilities. As such, the conditions of approval reserve the City's right to bring this facility back for review in the event Section 6409(a) is repealed or amended.

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

The Planning Commission shall make the findings for telecommunication facilities pursuant to Section 9138.16(H), Wireless Telecommunications Facilities. As stated below in section "CMC Section 9138.16H, Telecommunication Facilities Findings" of the staff report, the Planning Commission can make all the findings required for telecommunication facilities; therefore, the proposed project meets this finding.

g) CMC Section 9172.21 further states that:

"If the Commission finds that any adverse effects will occur as a result of the proposed use and development, such effects must be found to be justified by the benefits to the public interest which will occur as a result of such use and development."

With the proposed design, which is not stealthed to meet City standards, the Commission can find the benefit of providing upgraded antennas and better wireless service would outweigh the adverse effects of the proposed facility.

"If the Commission does not make affirmative findings with respect to the above criteria and is unable to impose conditions to mitigate any adverse finding, the Commission shall disapprove a Conditional Use Permit."

The Commission can make affirmative findings with respect to the above criteria and is able to impose conditions to mitigate any adverse finding; further the City is limited in its ability to request modifications in light of the new federal law and therefore, a condition has been included that reserves the City's right to bring this facility back for review in the event Section 6409(a) is repealed or amended.



CMC Section 9172.23.D, Development Plan

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

The proposed project is consistent with the General Plan of the City of Carson in that it promotes sustainable communication systems that meet the needs of the community.

- 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.**

While the site is not fully stealthed as required by City standards Section 6409(a) of the Tax Act provides that the City “may not deny and shall approve” proposed upgrades to wireless facilities. As such, the conditions of approval reserve the City’s right to bring this facility back for review in the event Section 6409(a) is repealed or amended.

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

Adequate and safe access is provided to the site for pedestrians and vehicles.

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

No signs or graphics are proposed as part of the proposed project.

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

No phasing is proposed.

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

The proposed facility, as proposed conforms to all applicable design standards applicable to this project with the exception of height and stealthing as discussed in this staff report. Section 6409(a) of the Tax Act provides that the City “may not deny and shall approve” proposed upgrades to wireless facilities, as such, the City is preempted from imposing its standards. As such, the conditions of approval reserve the City’s right to bring this facility back for review in the event Section 6409(a) is repealed or amended.



- g) If the proposed development complies with all applicable requirements and standards of this Chapter and other laws and regulations, and the approving authority finds that the criteria of subsection (D)(1) of this subsection are adequately met, or can be met if specified conditions are observed, the Development Plan shall be approved, subject to such specified conditions. If the approving authority finds that the proposal cannot meet and cannot be modified to meet the requirements of this Chapter and the above criteria, the Development Plan shall be disapproved. In all cases, findings shall be made concerning the grounds for approval or disapproval.**

The proposed facility complies with most the requirements of Chapter 1 of the municipal code; however, it is not considered a stealth facility and does not meet the height requirements. Section 6409(a) of the Tax Act provides that the City “may not deny and shall approve” proposed upgrades to wireless facilities, as such the City is preempted from imposing its standards. As such, the conditions of approval reserve the City’s right to bring this facility back for review in the event Section 6409(a) is repealed or amended.

CMC Section 9138.16H, Telecommunication Facilities

- a) The proposed site is the least intrusive after considering co-location with another facility, other networks available such as distributed antenna systems, and location at another site. If located in the public right-of-way or on City-owned or leased property, the facility must meet the requirements of the Engineering Division.**

While the proposed project is not the least intrusive as it is not a completely stealth facility, the proposed design involves the replacement of existing antennas and equipment. Section 6409(a) of the Tax Act provides that the City “may not deny and shall approve” proposed upgrades to wireless facilities and as such preempts the City from imposing its standards. As such, the conditions of approval reserve the City’s right to bring this facility back for review in the event Section 6409(a) is repealed or amended.

- b) The proposed communications facility will be aesthetically compatible, 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 stealth which incorporates the facility with the structure in which it will be mounted through use of material, color, and architectural design.**

The proposed project is painted a neutral, non-glossy color, and somewhat blends into the surrounding environment. Per Design Overlay Review No. 601-94, “the tower location is approximately 425 feet from the nearest single family residential area and the tower will blend with the KV lines and will not be visually unattractive to the single family residence to the east, and the use blends in with the industrial environment of the area.” However, Section 6409(a) of the Tax Act provides that the City “may not deny and shall approve” proposed upgrades to wireless facilities. This code section is silent on non-conforming uses, and the intent of the code



section was for the rapid deployment of new technology. As such, while not entirely clear, it would appear that Section 6409(a) requires that the City must approve the proposed facility, despite its non-conformity with the code, or risk litigation from the carrier. As such, the conditions of approval reserve the City's right to bring this facility back for review in the event Section 6409(a) is repealed or amended.

- c) **The proposed communications facility is not located on any residential dwelling or on any property which contains a residential dwelling, or any property wherein a person resides, except as may be associated with a church, temple, or place of religious worship.**

The proposed project is not located within a residential zone or dwelling.

Section 4. The Planning Commission further finds that the proposed project will not have a significant effect on the environment. The proposed project will not alter the 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 the California Environmental Quality Act (CEQA), Section 15301, Existing Facilities.

Section 5. Based on the aforementioned findings, the Commission hereby approves Conditional Use Permit No. 942-13 and Modification No. 1 to Design Overlay Review No. 601-94 to replace antennas and associated equipment of an unmanned wireless telecommunication facility on an existing 150-foot high legal, nonconforming communications steel tower 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.

PASSED, APPROVED AND ADOPTED THIS 12th DAY OF NOVEMBER, 2013

CHAIRMAN

ATTEST:

SECRETARY



EXHIBIT "A"

Legal Description

LOT 3 OF THE SOUTH GARDENA TRACT, IN THE CITY OF CARSON,
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.



CITY OF CARSON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 942-13
MODIFICATION NO. 1 TO DESIGN OVERLAY REVIEW 601-94

GENERAL CONDITIONS

1. If a building permit plan check submittal for the implementation of Modification No. 1 to Design Overlay Review No. 601-94 and Conditional Use Permit No. 942-13 is not submitted to the City of Carson within one year of their effective date, said permit(s) 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 as directed by the Planning Commission in compliance with all the Conditions of Approval and applicable Zoning Ordinance provisions. Substantial revisions 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 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. Precedence of Conditions. If any of the Conditions of Approval alter a commitment made by the applicant in another document, the conditions enumerated herein shall take precedence unless superseded by a Development Agreement, which shall govern over any conflicting provisions of any other approval.
9. City Approvals. All approvals by City, unless otherwise specified, shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
10. Deposit Account. A trust deposit account shall be established for all deposits and fees required in all applicable conditions of approval of the project. The trust deposit shall be maintained with no deficits. The trust deposit shall be governed by a deposit agreement. The trust deposit account shall be maintained separate from other City funds and shall be non-interest bearing. City may make demands for additional deposits to cover all expenses over a period of 60 days and funds shall be deposited within 10 days of the request therefore, or work may cease on the Project.
11. The operator of the proposed facility, and/or 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.
12. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, or in any way related to the approval of the City, its advisory agencies, appeal boards, or legislative body concerning Modification No. 1 to Design Overlay Review No. 601-94 and Conditional Use Permit No. 942-13. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the

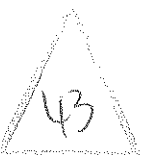


matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein. The applicant shall provide a deposit in the amount of 100 percent of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney's fees, and shall make additional deposits as requested by the City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If the applicant fails to provide or maintain the deposit, the City may abandon the action and the applicant shall pay all costs resulting therefrom and the City shall have no liability to the applicant.

PLANNING

Prior to Issuance of Building Permits

13. All parking areas and driveways shall remain clear and maintained. No encroachment into parking areas and/or driveways shall be permitted.
14. 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.
15. All exterior lighting shall be provided in compliance with the standards as provided for in 9137.1 Exterior Lighting of the Zoning Ordinance.
16. All wireless telecommunication facilities shall be constructed and operated in such a manner as to meet the requirements of the Noise Ordinance.
17. Backup generators shall only be operated during power outages and for testing and maintenance purposes. No backup generator shall be utilized for longer than seventy-two (72) hours without prior approval of the Engineering Division or Planning Division.
18. 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.
19. The City reserves the right to bring the project back for review and consideration should Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 be modified or repealed. However, the City agrees that should said law be repealed or modified, the City will wait a minimum of 3 years, from the date of the Planning Commission approval, prior to bringing the project back for review and reconsideration. In the event the law is repealed or modified after said 3 year period, the City may bring back the project for review and reconsideration at any time



Prior to Issuance of Final

20. All Conditions of Approval shall be complied with.

BUILDING AND SAFETY

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

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

22. Prior to the issuance of building permits, the Los Angeles County Fire Department will ensure adequate water supply for fire protection is provided.

ENGINEERING SERVICES

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 upgrade to the telecommunication facility, including but not limited to contractors and subcontractors, will need to obtain a City Business License.

