



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: August 8, 2017

SUBJECT: Conditional Use Permit No. 992-15
Design Overlay Review No. 1621-16

APPLICANT: American Towers LLC
Attention: Jeremy Mudd
10 Presidential Way
Woburn, MA 01801

PROPERTY OWNER: MCI Telecommunications Corporation
2400 Glenville Drive
Richardson, Texas 75082

REQUEST: To extend the approval of an existing 235-foot lattice tower-mounted wireless facility for three (3) years with four (4) existing telecommunication carriers at various heights and replacement of the facility with a stealth tower in the CG (Commercial, General) zone.

PROPERTY INVOLVED: 17900 South Central Avenue
APN 7319-003-809

| <u>AYE</u> | <u>NO</u> | | <u>AYE</u> | <u>NO</u> | |
|------------|-----------|---------------------|------------|-----------|----------|
| | | Chairman Diaz | | | Madrigal |
| | | Vice-Chair Pimentel | | | Mitoma |
| | | Andrews | | | Post |
| | | Fe'esago, Jr. | | | Thomas |
| | | Guidry | | | |

I. Introduction

Property Owner:

MCI Telecommunications Corporation; 2400 Glenville Drive; Richardson, TX 75082

Applicant:

American Towers LLC; Jeremy Mudd; 10 Presidential Way; Woburn, MA 01801

Project Description:

Design Overlay Review (DOR) No. 1621-16 and Conditional Use Permit (CUP) No. 992-15 to extend the approval of an existing 235-foot lattice tower-mounted wireless facility (“Tower”) for four (4) existing telecommunication carriers at various heights. As part of this approval, a condition of approval is included that requires the existing facility be replaced with a stealth facility within 3 years.

II. Background

The site includes the Tower and a Verizon telecommunication building. Building permits indicate the building was used as an office in 1953 and a relay station in 1980. The Tower was built in 1982. American Tower Corporation is the owner of the Tower and is currently leasing the tower to four telecommunication companies which include Verizon, T-Mobile, Sprint and Clear Wireless LLC.

III. Project Site and Surrounding Land Uses

The subject property is located on the east side of Central Avenue, north of Victoria Street and south of Albertoni Street. The following provides a summary of the site information:

| Site Information | |
|-----------------------------|---|
| General Plan Land Use | General Commercial |
| Zone District | CG (Commercial, General) |
| Site Size | 1.4 acres |
| Present Use and Development | 235-foot lattice tower-mounted wireless facility Lattice tower and a Verizon telecommunication building currently occupy the site |
| Surrounding Uses / Zoning | North and East: Vacant lot located within the Dominguez Hills Village Specific Plan South: Southern California Gas Building zoned CG (Commercial, General) West: Single-family homes located within the Dominguez Hills Village Specific Plan |
| Public Street Access | Ingress/Egress: Central Avenue |



Previously Approved Discretionary Permits/Background

In 1982, the Tower was originally constructed by issuance of a building permit. On November 27, 2007, the Planning Commission approved DOR No. 1011-07 (for the Tower being less than 100' from residential), CUP No. 609-06 (for height exceeding the maximum height limit permitted by the Code), and CUP No. 676-07 (for the Tower structure) to extend the existing Tower's life for 10 years. The existing 235-foot high tower currently has four (4) telecommunication facilities at various heights.

Public Safety Issues

After consulting with the Public Safety Department it was determined that there are site maintenance issues that the applicant must address. These include removal of overgrown and dead vegetation, fence signs and accumulated trash and debris.

IV. Analysis

The Tower was originally constructed pursuant to a building permit and later authorized for continued operations pursuant to Conditional Use Permits (CUP) No. 609-06 and 676-07 in 2007.

Expiration of the Approvals

Approval of the CUPs, included Condition of Approval No. 9 which states:

“These permits, Conditional Use Permit No. 609-06 and Conditional Use Permit No. 676-07, shall expire in seven (7) years or by November 27, 2015, unless an extension of time is filed by the applicant prior to expiration, and subsequently reviewed and approved by the Planning Commission.”

The applicant filed a timely extension of time to renew the CUPs in order to preserve their right to request an extension from the Planning Commission. Since the submittal, staff and the applicant have worked together to resolve application completeness issues and design issues including reducing the height, and replacing the tower with stealth facility.

The Intent of the Expiration Condition of Approval

The staff report provided the following statement regarding the City's expectations when the tower is due for renewal:

"Staff recommends that the Planning Commission approve the Conditional Use Permit for the tower and consider a condition requiring evaluation of the telecommunication facility in seven (7) years or 2015. The evaluation would allow the City to develop and implement any further improvements to the site as deemed necessary by the Planning Commission to buffer surrounding existing and future residential land uses from the existing tower."

The intent of the above statement seems to indicate that additional time was needed to make the Tower more compatible with the surrounding existing residential uses as well as future residential uses. However, the wording on the Condition of Approval No. 9 was only required the applicant to file for an extension by November 27, 2015 with no other milestones to complete to achieve the intent of the making the tower more compatible with the neighborhood. Regardless, the City and the applicant have been working cooperatively on solutions that will benefit both the community and the applicant.

The regulatory frame work for wireless facilities has changed substantially since 2007 when the project was approved. California government Code Section 65964(b) obligates local agencies to allow wireless facilities to operate for 10 years from the date of approval of the CUP. However, staff and the applicant have agreed to the following conditions in order to ensure the goals of the City are realized:

Condition No. 1

"In recognition of the proposed residential and/or mixed use development of the adjacent parcels (APN 7319-003-805, 7319-003-104, 7319-003-105, 7319-003-106), the applicant (American Tower), or the owner of the tower (facility) at the time, shall remove and replace the existing facility with a new, "stealth" facility on the subject parcel (APN 7319 003 809) within three (3) years of the expiration of all applicable appeal and/or statute of limitations periods (the "Effective Date") following the Planning Commission approval of Conditional Use Permit (CUP) No. 992-15 and Design Overlay Review (DOR) No. 1621-16.

The new facility shall be camouflaged or designed to blend with the surrounding environment and land uses, minimize aesthetic impact on adjacent uses, and conceal the intended use and appearance of the structures. Such camouflage design may take the form of a "mono-pine" as depicted in Exhibit 2, or may employ other

camouflage design features. The height of the new facility shall not exceed 105 feet. Subject to the height limitation and camouflaging requirements, the new facility shall be of equal or superior quality to the existing facility, including with regard to signal propagation required by communication service providers collocated on the facility, structural capacity, and ground equipment space

If the design of the new facility substantially conforms to the mono-pine design shown in Exhibit 2, or such other camouflage design as the Applicant, the Planning Manager, and the party proposing to develop the adjacent parcels may reasonably agree upon, and the height of the new facility does not exceed 105 feet, no further Planning Commission approval of the new facility shall be required pursuant to Section 9138.16 – Communications Facilities – of the Carson Municipal Code and shall be subject to approval by the Planning Manager. Within one (1) year of the Effective Date, the applicant shall report to the Planning Manager regarding the current status of redevelopment plans for the new facility. Such report shall include the status of Applicant's construction plans and coordination with the developer of the adjacent parcels and wireless carriers. Within two (2) years of the Effective Date, Applicant shall submit an application for a building permit to construct the new facility. Upon receipt of the building permit, Applicant shall construct the facility and use reasonable best efforts to complete construction of the new facility and the removal of the existing facility on or before three (3) years after the Effective Date.

Within 30 days of the Effective Date, Applicant shall post with the City a performance bond or other security in the amount of \$120,000, which shall cover the cost of removal of the existing facility if Applicant should fail to comply with this Condition.”

Condition No. 14

“The applicant acknowledges that if the applicant complies with the three (3) year schedule prescribed herein to replace the existing tower with a 105’ high stealth facility, the Conditional Use Permit shall be valid for a term of ten (10) years, to expire on August 8, 2027. The applicant further acknowledges that if the applicant fails to comply with the three (3) year schedule prescribed herein, the use and the development approved by this Conditional Use Permit shall terminate three (3) years after the granting of such, to expire on August 8, 2020 and the existing tower shall be removed.”

Compliance with the Carson Municipal Code (CMC)

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 |
|--|-----------|---------------|---|
| COMMERCIAL, GENERAL - DEVELOPMENT STANDARDS | | | |
| 9131.1, "Uses Permitted" | X | | Major Wireless Telecommunication Facilities require a Site Plan and Design Review and Conditional Use Permit. Also, subject to Section 9138.16. |
| WIRELESS TELECOMMUNICATION FACILITY DEVELOPMENT STANDARDS | | | |
| Section 9138.16D2, "Procedural Standards, Major Wireless Telecommunication Facilities" | X | | Subject to approval of a Design Overlay Review and Conditional Use Permit by the Planning Commission |
| Section 9138.16E, "Application Requirements" | X | | |

| Applicable Zoning Ordinance Sections | Compliant | Non-Compliant | Comments |
|---|-----------|---------------|--|
| Section 9138.16F1-7, "Design and Development Standards" | X | | <ul style="list-style-type: none"> • Setbacks meet code requirements • Proposed height can be allowed if there is no expansion or intensification of the facility. • All new electrical and equipment wiring shall be placed underground or concealed within the building or structure in which the facility will be mounted. • The permittee shall remove from the tower all inoperative or inactive transmission equipment including without limitation microwave dish antennas, panel antennas, mounting brackets, hardware and cabling • The ground equipment and supporting structure(s) shall be painted a neutral, non-glossy color. • Such lights are to be directed on-site in such a manner as to not create a nuisance or hazard to adjacent street and properties, subject to the approval of the Planning Division. |

| Applicable Zoning Ordinance Sections | Compliant | Non-Compliant | Comments |
|--------------------------------------|-----------|---------------|---|
| | | | <ul style="list-style-type: none"> • Emergency signs shall be posted at the facility • Within 30 days of the Effective Date, Applicant shall post with the City a performance bond or other security in the amount of \$120,000, which shall cover the cost of removal of the existing facility if Applicant should fail to comply with this Condition. |
| Section 9138.16G, "Exceptions" | X | | <ul style="list-style-type: none"> • The existing facility is occupied by four communication providers and reduces the need for other communication facilities within the City; • The tower is located toward the rear of the parcel and the parcel is landscaped with trees, shrubs and ground cover. All equipment located above 105 feet is not currently in operation and shall be removed within 3 years. (The highest active antennas is currently located at 105 feet) |

| Applicable Zoning Ordinance Sections | Compliant | Non-Compliant | Comments |
|---------------------------------------|-----------|---------------|--|
| Section 9138.16H, "Required Findings" | X | | <ul style="list-style-type: none"> • The proposed use and development will be consistent with the surrounding industrial and residential uses; • A condition of approval shall require the tower to be replaced with a shorter (105 feet) and stealth facility within 3 years of approval of the CUP and DOR to mitigate the appearance of the tower to the existing and potential residential development and potential surrounding residential development |

The CMC provides generally applicable findings required for applications for conditional use permits and site design review. The proposed use and development must be consistent with the General Plan, any specific plans and surrounding uses. The site must be adequate to accommodate the proposed use and development. Street access and traffic capacity must be adequate for pedestrians and vehicles. Water supply must be adequate for fire protection purposes. The proposed use and development must be compatible with the intended character of the area. The design must be compatible with existing and anticipated development.

The CMC also provides more specific required findings for wireless facilities. The proposed site must be the least intrusive after considering collocation or other locations. The proposed facility must be located and designed to minimize visual impact on the surrounding properties and public streets with landscaping and/or stealth design elements. The proposed facility may not be located on any property that contains a residential dwelling.

The subject property does not contain a residence and is zoned General Commercial. The applicant's facility continues to be compatible with the zoning designation for property because the applicant derives commercial benefit from its wireless tenants on the tower. Consistent with the findings from the prior CUPs, the

property remains sufficiently adequate to accommodate the existing use as a wireless facility in terms of size, water supply and traffic capacity.

Although there are residential uses located west of the facility, the built environment is already impacted by the existence of above ground power lines and utility poles that line the northbound lanes of South Central Avenue. The applicant currently maintains landscaping and wrought-iron fencing around the site perimeter, and the tower-mounted equipment is painted to match the color of the tower for concealment purposes. Given that the facility currently supports the equipment for four wireless carriers, the facility is also consistent with the City's preference for collocation.

V. Environmental Review

Based upon staff review of the project, the proposed conditional use permit and design overlay review to continue the operation of an existing 235-foot radio tower with multiple existing telecommunications facilities at various heights will not have a significant effect on the environment. Thus, the project is found to be Categorically Exempt, pursuant to California Environmental Quality Act Guidelines, Article 19, Section 15301 – Existing Facilities.

VI. Community Meeting and Public Notice

Community Meeting

On July 11, 2017, the applicant hosted a neighborhood meeting. Invitations were sent to all property owners and tenants within 1,000 feet of the property boundary. Notice was also provided to a representative of the Dominguez Hills Village Community Association, who posted the notice in public areas within the neighborhood.

At the meeting, American Tower displayed three boards which depicted the project vicinity, existing and conceptual tower elevations, and a conceptual site plan. Topics to be covered included the use of the existing and proposed facility, including American Tower's shared-use model for wireless communication infrastructure, as well as aesthetic measures which can be taken to better integrate the facility into the built environment. The meeting was attended by two representatives from American Tower and one representative of Planning staff. There was no attendance by community members at the meeting, which was held from 6:00 P.M. to 7:30 P.M. No comments have been received by email or phone.

Public Notice

Public notice was posted to the project site on July 19, 2017. Notices were mailed to property owners and occupants within 500 feet. The agenda was posted at City Hall 72 hours prior to the Planning Commission meeting.

VII. Recommendation

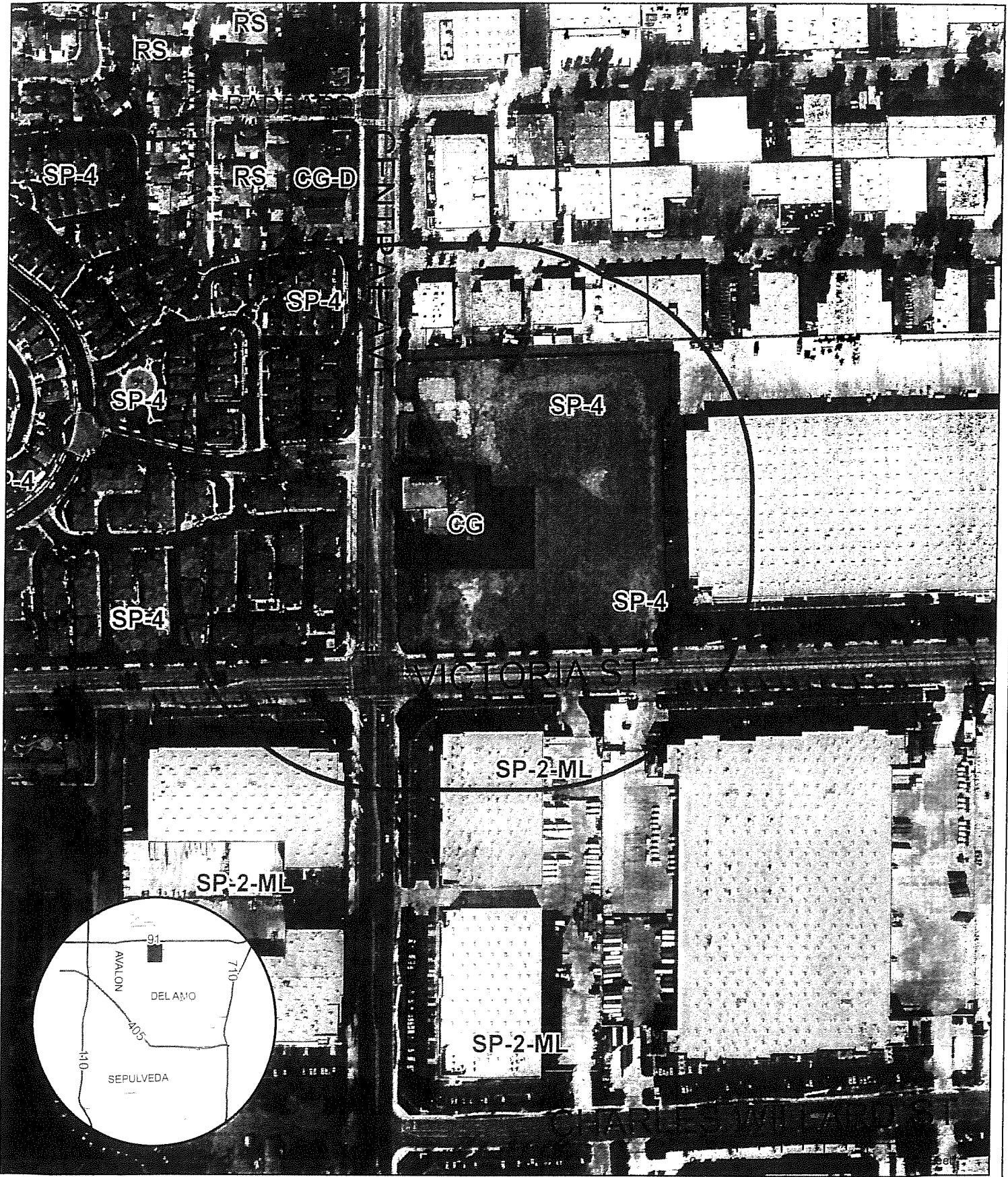
That the Planning Commission:

- **WAIVE FURTHER READING AND ADOPT RESOLUTION NO. _____,**
“APPROVING CONDITIONAL USE PERMIT 992-15 AND DESIGN OVERLAY REVIEW 1621-16 FOR AN EXISTING 235-FOOT RADIO TOWER WITH MULTIPLE EXISTING TELECOMMUNICATION FACILITIES AT VARIOUS HEIGHTS IN THE CG (COMMERCIAL, GENERAL) ZONE AT 17900 SOUTH CENTRAL AVENUE”.

VIII. Exhibits

1. Zoning Map
2. Mono-pine Design
3. Staff Report and Resolution No. 07-2176 for Design Overlay Review No. 1011-07, Conditional use Permit No. 609-06 and Conditional use Permit No. 676-07 dated November 27, 2007
4. Proposed Resolution
5. Development Plans (under separate cover)

Prepared by: Max Castillo, Assistant Planner



City of Carson
 500 Foot Radius Map
 17900 S. Central Avenue

EXHIBIT NO. 1



THESE PLANS AND SPECIFICATIONS ARE PREPARED BY AMERICAN TOWER SERVICES, LLC AND ARE THE PROPERTY OF AMERICAN TOWER SERVICES, LLC. NO PART OF THESE PLANS AND SPECIFICATIONS ARE TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF AMERICAN TOWER SERVICES, LLC. THE USER OF THESE PLANS AND SPECIFICATIONS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES. AMERICAN TOWER SERVICES, LLC SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THESE PLANS AND SPECIFICATIONS.

| REV | DESCRIPTION | BY | DATE |
|-----|-------------------------|-----|----------|
| A | PRELIM FOR PRESENTATION | BRL | 08/21/17 |
| B | | BRL | 07/28/17 |

ATC SITE NUMBER

92153

ATC SITE NAME

DOMINGUEZ HILLS CA

SITE ADDRESS

1780'S CENTRAL AVE
CAJON, CA 92029

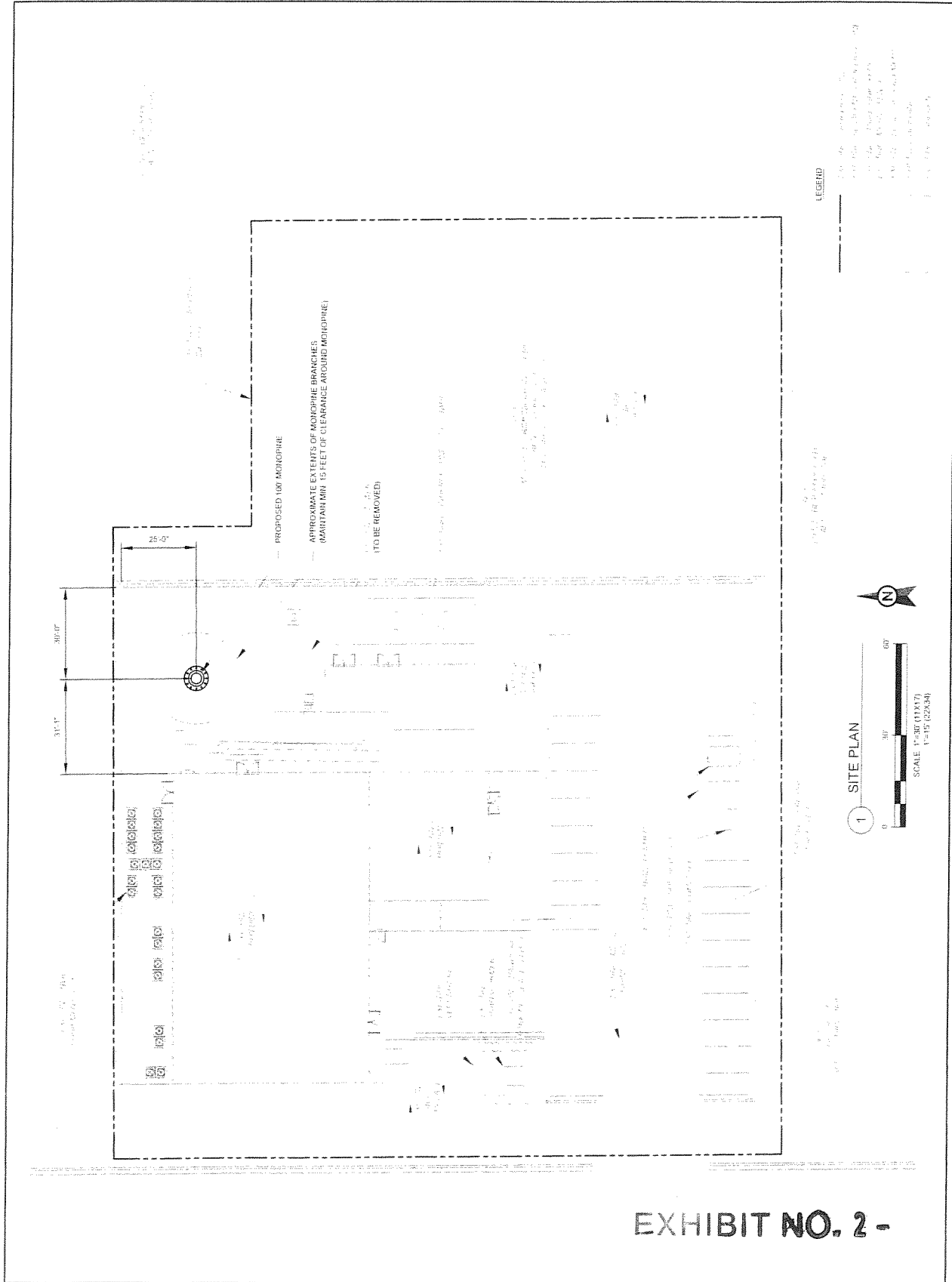
SEAL

PRELIMINARY:
NOT FOR
CONSTRUCTION

| DRAWN BY | BRL |
|-------------|-------------------|
| APPROVED BY | KRF |
| DATE DRAWN | 08/21/17 |
| ATC JOB NO | TOWER REPLACEMENT |

SITE PLAN

| SHEET NUMBER | REVISION |
|--------------|----------|
| C-101 | B |





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| REV | DESCRIPTION | BY | DATE |
|-----|------------------|-----|----------|
| A | PRELIM | BRL | 06/21/17 |
| B | FOR PRESENTATION | BRL | 07/03/17 |

ATC SITE NUMBER
92153

ATC SITE NAME
DOMINGUEZ HILLS CA

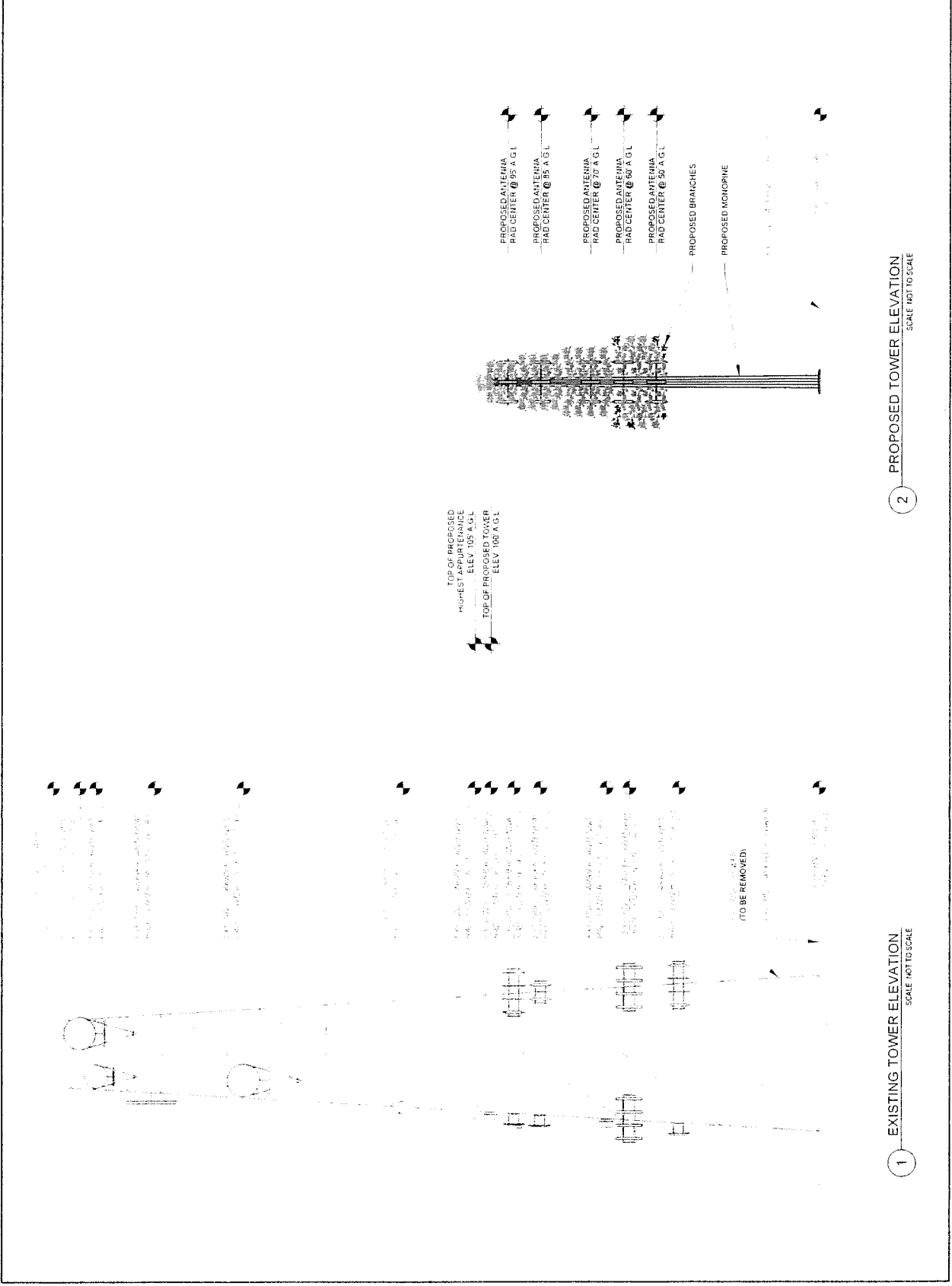
SITE ADDRESS
17900 S CENTRAL AVE
CARSON, CA 90230

SEAL

**PRELIMINARY
NOT FOR
CONSTRUCTION**

| | |
|-------------|-------------------|
| DRAWN BY | BRL |
| APPROVED BY | KRF |
| DATE DRAWN | 06/21/17 |
| ATC JOB NO. | TOWER REPLACEMENT |

| | |
|-------------------------|----------|
| TOWER ELEVATIONS | |
| SHEET NUMBER | REVISION |
| C-201 | B |



2 PROPOSED TOWER ELEVATION
SCALE 1/8" = 1'-0"

1 EXISTING TOWER ELEVATION
SCALE NOT TO SCALE





CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: November 27, 2007

SUBJECT: Design Overlay Review No. 1011-07, Conditional Use Permit No. 609-06 and Conditional Use Permit No. 676-07

APPLICANT: John Koos
Core Communications
2923-A Saturn St.
Brea, CA 92821

REQUEST: To collocate an unmanned wireless telecommunication facility on an existing 235-foot radio tower in the CG (Commercial, General) zone and within Redevelopment Project Area No. 4.

PROPERTY INVOLVED: 17900 South Central Avenue

COMMISSION ACTION

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

Commissioner Saenz moved, seconded by Commissioner Graber, to approve with the following amendments: Condition No. 9, "These permits, Conditional Use Permit No. 609-06 and Conditional Use Permit No. 676-07, shall expire in seven..."; Condition No. 27, "The applicant and property owner shall provide landscaping and/or upgraded fencing around the perimeter of the property to screen the facility at such time that the adjoining vacant property is developed, subject to approval by the Planning Division"; and moved to adopt Resolution No. 07-2176. Motion carried.

| AYE | NO | | AYE | NO | |
|-----|----|----------------------|-----|----|---------|
| ✓ | | Chairperson Faletogo | ✓ | | Graber |
| ✓ | | Vice Chair Hudson | ✓ | | Saenz |
| ✓ | | Cannon | ✓ | | Verrett |

Item 10C

EXHIBIT NO. 3 -



ML

I. Introduction

Applicant

- Core Communications; Attention: John Koos; 2923-A Saturn St.; Brea, CA 92821

Property Owner

- American Tower; 514 S. Myers St. Unit C; Oceanside, CA 92054

Project Address

- 17900 South Central Avenue

Project Description

- To permit and collocate an unmanned wireless facility on an existing 235-foot high radio tower on a developed property.
- The new antennas will be attached to the tower at 60 feet and 85 feet above ground level.
- The project includes six (6) panel antennas and four equipment cabinets will be located within a 10'x16' area next to the existing tower.
- The proposal includes the following discretionary requests:
 - *Design Overlay Review No. 1011-07*: Pursuant to Section 9138.16.D, the facility is considered a major wireless telecommunication facility because it is a freestanding structure located less than 100 feet from a residential zone and the Planning Commission has the approval authority; and
 - *Conditional Use Permit No. 609-06 (Height)*: Pursuant to Section 9138.16.F, the facility exceeds the maximum height limit and approval of a conditional use permit in conformance with Section 9138.16.G is required by the Planning Commission.
 - *Conditional Use Permit No. 676-07 (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.

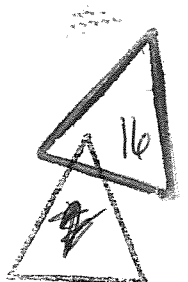
II. Background

Previous Uses of Property

- Building permits indicate the property was used as an office in 1953 and a relay station in 1980. The lattice tower was built in 1982. The property currently is owned by MCI Communications and a lattice tower and four telecommunication facility buildings currently occupy the site. American Tower Corporation is the owner of the tower and is currently leasing the tower to several telecommunication companies.

Previously Approved Discretionary Permits

- There are no previously approved discretionary permits associated with this property.



Public Safety Issues

- After consulting with the Public Safety Department it was determined that there are site maintenance issues that the applicant must address. These include: 1) providing a trash enclosure for an existing trash container; 2) marking of parking stalls; and 3) removal of three storage containers in the front parking area.

III. Analysis

Location/Site Characteristics/Existing Development

- The subject property is located at 17900 S. Central Avenue in the City of Carson, between the 91 Gardena Freeway and Victoria Boulevard.
- Adjacent to the subject property to the north and east are vacant properties. A Southern California Gas Building is located to the south and single family homes are located to the west across Central Avenue.
- The physical dimensions of the lot are 180 feet by 215 feet, with a total area of 38,700 square feet.

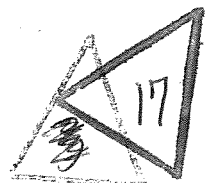
Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned CG (Commercial, General) and properties to the north, east and west are located within the Dominguez Hills Village Specific Plan. The Southern California Gas property to the south is also zoned CG.
- The subject property has a General Plan Land Use designation of General Commercial; all adjacent properties have a General Plan Land Use designation of Mixed-Use Residential.
- The subject property and all contiguous properties are within Redevelopment Project Area No. 4.

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 |
|--|-----------|---------------|---|
| COMMERCIAL, GENERAL - DEVELOPMENT STANDARDS | | | |
| 9131.1, "Uses Permitted" | X | | Major Wireless Telecommunication Facilities require a Site Plan and Design Review and Conditional Use Permit. Also, subject to Section 9138.16. |



| Applicable Zoning Ordinance Sections | Compliant | Non-Compliant | Comments |
|--|-----------|---------------|--|
| WIRELESS TELECOMMUNICATION FACILITY DEVELOPMENT STANDARDS | | | |
| Section 9138.16D2, "Procedural Standards, Major Wireless Telecommunication Facilities" | X | | Subject to approval of a Design Overlay Review and Conditional Use Permit by the Planning Commission |
| Section 9138.16E, "Application Requirements" | X | | |
| Section 9138.16F1-7, "Design and Development Standards" | X | | Proposed height can be allowed if there is no expansion or intensification of the facility. |
| Section 9138.16H, "Required Findings" | X | | Subject to approval of a Design Overlay Review and Conditional Use Permit by the Planning Commission |

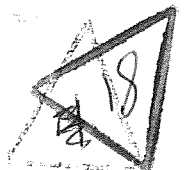
Environmental Effects of Telecommunication Facilities on Human Beings

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

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).

Required Findings: Site Plan and Design Review

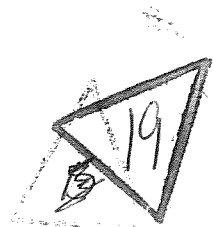
Pursuant to Section 9172.23, Site Plan and Design Review, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

- a. Compatibility with the General Plan, any specific plans for the area, and surrounding uses.
- 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.
- c. Convenience and safety of circulation for pedestrians and vehicles.
- d. Attractiveness, effectiveness and restraint in signing, graphics and color.
- e. 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, 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.

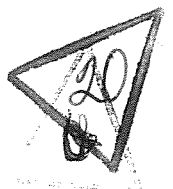
All of the required findings pursuant to Section 9172.21(d), "Conditional Use Permit, Commission Findings and Decision", Section 9172.23(d), "Site Plan and Design Review, Approval Authority and Findings and Decision", and Section 9138.16(h), "Wireless Telecommunications Facilities, Required Findings"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

Issues of Concern / Mitigation:

- Issue – No intensification of antennas: Staff's review of the proposed site plan indicates the replacement, and not intensification, of antennas on the tower.
- Issue – Existing/Future Development: Section 91822 (a), Termination of Existing Nonconforming Use of the Municipal Code requires the termination of an existing tower and communications facilities over 50 feet in height within five years of enactment of the City's Wireless Telecommunications Facilities Ordinance of 2003. The existing non-conforming tower and telecommunication facilities would be required to terminate in 2008, unless a Conditional Use Permit is approved for the tower and each of the existing telecommunication facilities prior to the 2008 deadline. Staff recommends that the Planning Commission approve the Conditional Use Permit for the tower and consider a condition requiring evaluation of the telecommunication facility in seven (7) years or 2015. The evaluation would allow the City to develop and implement any further improvements to the site as deemed necessary by the Planning Commission to buffer surrounding existing and future residential land uses from the existing tower.
- Issue – Site Maintenance: The site shall be properly maintained with respect to building facades.
 - Mitigation: The applicant shall paint any portion of the tower or buildings in disrepair to the satisfaction of the Planning Department. A condition of approval has been included to reflect this mitigation measure.
- Issue – Aesthetics - Fencing: The applicant shall replace chain link fencing along Central Avenue with a wrought iron fence. In addition, staff recommends that all existing barb wire be removed.
- Issue - Aesthetics – Landscaping: To the extent feasible, the applicant shall provide landscaping around the perimeter of the property. Prior to issuance of a building permit a landscape plan must be approved by the Planning Division.

IV. Environmental Review

Pursuant to Section 15301 of the California Environmental Quality Act (CEQA), the proposed installation of a wireless telecommunications facility on an existing radio tower site is "Categorically Exempt".



V. Recommendation

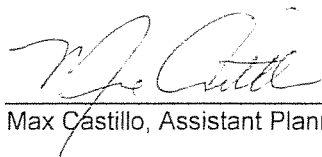
That the Planning Commission:

- WAIVE further reading and ADOPT Resolution No.____, entitled "A Resolution of the Planning Commission of the City of Carson approving Design Overlay Review No. 1011-07, Conditional Use Permit No. 609-06 and Conditional Use Permit No. 676-07 to collocate an unmanned wireless telecommunication facility on an existing 235-foot radio high tower at 17900 South Central Avenue."

VI. Exhibits

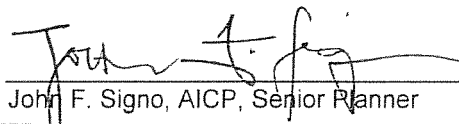
1. Land use map
2. Conditional Use Permit No. 609-06: 17900 S. Central Avenue – Letter from Channel Law Group, LLP dated March 14, 2007
3. 17900 Central Avenue, Carson City – Cell Site Non-conforming review – Letter from American Tower Corporation dated November 7, 2006
4. Resolution
5. Site plan, elevations, floor plans (under separate cover)

Prepared by:



Max Castillo, Assistant Planner

Reviewed by:



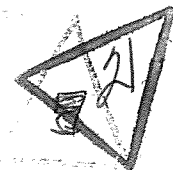
John F. Signo, AICP, Senior Planner

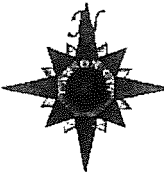
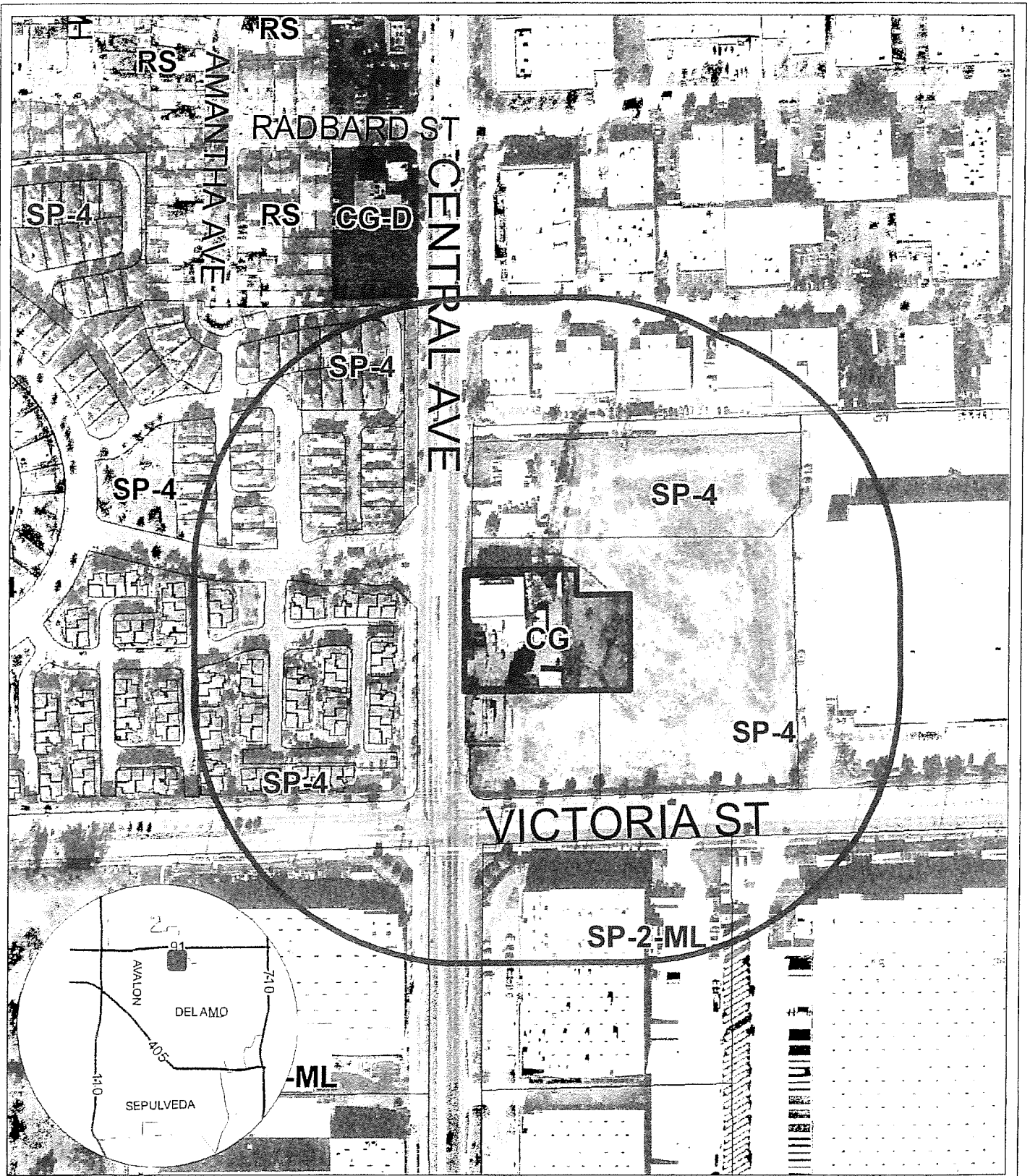
Approved by:



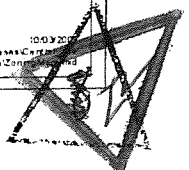
Sheri Repp-Loadsman, Planning Division Manager

Mc/d101107_c60906_c67607p





17900 S. Central Avenue
500 Foot Radius Map



Channel Law Group, LLP

100 OCEANGATE
SUITE 1400
LONG BEACH, CA 90802-4323

Fax: (562) 216-5090
www.channellawgroup.com

ROBERT JYSTAD
JULIAN K. QUATTLEBAUM, III *
JAMIE T. HALL **
MARTHA HUDAK, Special Counsel***

Writer's Direct Line: (310) 982-1760
jamie.hall@channellawgroup.com

*ALSO Admitted in Colorado
**ALSO Admitted in Texas
***Admitted only in New York and New Jersey

BY FIRST CLASS AND ELECTRONIC MAIL

March 14, 2007

John F. Signo, AICP
Senior Planner
Development Services Group – Planning Division
701 East Carson St.
P.O. Box 6234
Carson, California 90749

Re: Conditional Use Permit No. 609-06: 17900 S. Central Avenue

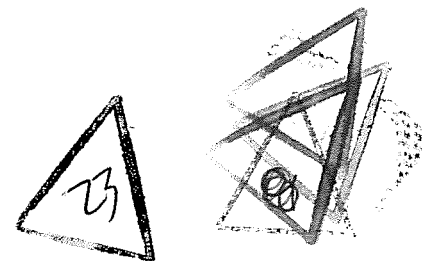
Dear Mr. Signo:

I am in receipt of your letter dated November 29, 2006 regarding Conditional Use Permit No. 609-06 (“Application”) and the status of the wireless communications facility (“Facility”) located at 17900 S. Central Avenue. American Tower Corporation (“ATC”) has reviewed the Application and the case file for the Facility and responds as follows:

Legal Non-Conforming Uses Under State Law

As you indicate in your letter, the Facility is a legal non-conforming use because it legally existed before the adoption of the City’s Wireless Telecommunications Ordinance (“WTO”). See *City of Los Angeles v. Gage* (1954) 127 Cal. App. 2d 442, 453 (holding that “[a] nonconforming use is a lawful use existing on the effective date of the zoning restriction and continuing since that time in nonconformance to the ordinance”). The City of Carson (“City”) issued a building permit for the construction of the Facility in 1982 and, over the last two decades, the City has issued multiple building permits for the construction of communications equipment placed on the Facility. Currently, the Facility provides valuable communications infrastructure for both wireline and wireless telephone companies.

Exhibit 2



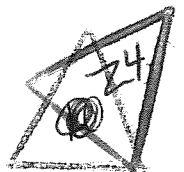
Your letter indicates that the City currently “has no precedent for existing nonconforming facilities.” This may be true, but the nonconforming use doctrine is well established under California law. *See Edmonds v. County of Los Angeles* (1953) 40 Cal.2d 642, 651 (noting that “the rights of users of property as those rights existed at the time of the adoption of a zoning ordinance (nonconforming uses) are well recognized and have always been protected.”); *see also Hansen Bros. Enters., Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 551-52 (noting that if a zoning ordinance “effects an unreasonable, oppressive, or unwarranted interference with an existing use . . . the ordinance may be invalid as applied to that property unless compensation is paid.”). ATC acquired a “vested right” to continue the existing nonconforming use at the time the WTO was adopted. *See City of Ukiah v. County of Mendocino* (1987) 196 Cal.App. 3d 47, 56 (noting that “[a] property owner has a vested right to continue lawful uses of property and is not required to obtain a special use permit in order to continue lawful preexisting uses.”). In your letter you noted that ATC was “aware” of the Facility’s nonconforming status when the Facility was purchased. This is irrelevant. It is the use of the land, not ownership, at the time the use becomes nonconforming that determines the right to continue the use. *See Hansen Bros. Enters., Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 540 (“[t]ransfer of title does not affect the right to continue a lawful nonconforming use that runs with the land.”) ATC has a vested property right in the Facility and will fully protect its rights under the law.

Federal Law Protections for Wireless Facilities

Federal law provides strong protections for wireless communications facilities as well. The City’s WTO is subject to the limitations of the Telecommunications Act of 1996 (“Telecom Act”). Specifically, 47 U.S.C. § 253(a) states the following:

“No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.”

The federal courts, including the courts of the Ninth Circuit, have strictly limited the authority of municipalities over the installation of WTFs. Specifically, federal courts within the Ninth Circuit have held that California municipalities are prohibited by § 253 from adopting and implementing wireless communications ordinances that allow for the exercise of unfettered discretion over decisions to approve, deny or condition permits for the placement of WTFs. *Sprint Telephony PSC, L.P. v. County of San Diego*, 377 F. Supp. 2d 886, 899 (S.D. Calif. 2005) *upheld at Ninth Circuit* (slip op., Mar. 13, 2007) (“County’s wireless regulations have the effect of prohibiting the provision of telecommunications services. As in *Auburn*, the County has reserved the discretion to refuse to grant applications...”); *see Qwest Communs., Inc. v. City of Berkeley*, 433 F.3d 1253, 1259 (9th Cir. 2006) (“[The Ordinance] allows the City to deny an excavation permit and thus the use of public rights-of-way if the applicant fails to comply with any other requirement of the ordinance, including [its] onerous provisions Further, [the Ordinance] affords the City significant discretion to deny companies the ability of providing telecommunications services”).



The Facility serves as a critically important element in the local telecommunications infrastructure and has been a fixture on the north Carson urban landscape for over twenty years. Several telephone companies have configured their networks around the Facility. As a result, any drastic changes to the Facility, including a reduction in the Facility's height, will have an immediate and negative effect on the provision of telecommunications service.

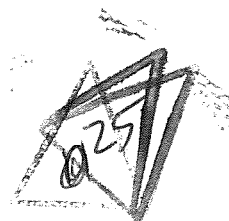
The Proposed Amortization Period Conflicts with Federal Law

The amortization period outlined in Zoning Code § 91822.22(a) must comply with both state and federal law. As you may recall, former planner Mr. Kawaski indicated in his letter dated September 7, 2006 that the Facility was subject to a 5-year amortization period. It should initially be noted that the City's amortization period is subject to the strict limitations outlined in the 1996 Telecom Act. The Facility is an essential part of a federally protected telecommunications network and, arguably, the City cannot force an amortization period on ATC without violating § 253(a) of the Telecom Act. *Sprint Telephony PSC, L.P. v. County of San Diego*, Case No. 05-56076, slip op. at 3023 (9th Cir., March 13, 2007) (noting that the 1996 Telecom Act "established meaningful limits beyond which state and local governments may not inhibit telecommunications" and holding that the "County's WTO is outside the scope of permissible land use regulations because it has the effect of prohibiting wireless communications services").

Even state law requires amortization periods to be reasonable and commensurate with the investment involved. *National Adver. Co. County of Monterey* (1970) 1 Cal. 3d 875, 879 (noting that an amortization period prescribed by legislation which provides for the eventual discontinuance of nonconforming uses must be "reasonable and commensurate with the investment involved.") The investment associated with the Facility is broader than the Facility itself because the Facility is integrated with several wireless networks. Removal of the Facility could require substantial reconfiguration of those networks. In sum, the City's 5-year amortization period, applied to the Facility, does not appear to be consistent with either state or federal law.

The Proposed Antenna Swap Is Not an Intensification or Expansion of the Facility

This said, ATC believes that the City's WTO can accommodate the proposed use outlined in the Application. Pursuant to Zoning Code § 9182.22., the Planning Commission "may authorize a height limit greater than subsection G (Minor Exceptions) of this Section [for existing facilities erected prior to July 17, 2003] provided there is no expansion or intensification of the facility." In this case, the proposed antennas do not constitute an expansion or intensification of the Facility. ATC will propose to swap out wireless equipment currently installed on Facility with the proposed wireless antennas outlined in the Application. The proposed "swap" will not constitute either an "expansion" or "intensification" of the Facility and the Planning Commission may approve the Application.



The California Supreme Court upheld a similar approach in *Hansen Bros. Enters., Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 573 (noting that “the general rule appears to be that an increase in business volume alone is not an expansion of a nonconforming use.”). In *Hansen Bros.*, the owner of a mining operation sought to mine land that was held in “reserve.” The Supreme Court held that the owner was authorized to conduct the mining despite a county ordinance that prohibited any expansion of a nonconforming use. Significantly, the court stated the following:

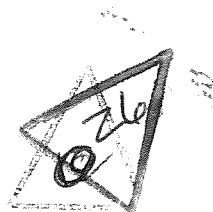
“By way of example, we assume that a grocery store operating as a lawful, nonconforming use in an area of increasing population would not be restricted to the same number of customers and volume of business conducted when the zoning ordinance was enacted. Neither an increase in the number of patrons or in the volume of goods sold would be considered an enlargement or intensification of the use.”

Hansen Bros. 12 Cal. 4th at 573.

The Court in *Hansen Bros.* noted that the nonconforming activities were actively pursued when the law became effective, that the proposed intensification was clearly intended to be used, and that the continued operation did not have a substantially different and adverse impact on the neighborhood. *Id* at 564. The Facility is substantially similar to the facts in *Hansen Bros.* For example, the owner of the Facility in 2003 actively engaged in the nonconforming use at the time the law become effective. Further, the proposed intensification was “clearly intended” to be used, as evidenced by the multiple building permits filed with the City over the last two decades for placement of wireless equipment on the Facility. Finally, the use outlined in the Application will not have a “substantially different and adverse impact” on the neighborhood. The Facility has been a fixture of the community for over two decades and adding several small panel antennas cannot reasonably be said to have a “substantially different and adverse impact.”

The Facility’s Benefit to the Community

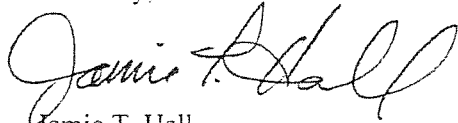
In your letter you also indicated that ATC should provide “reasons other than financial purposes” to justify the continuance of the nonconforming use. First, the loss of the Facility would likely result in harm to the public. Over the last two decades, numerous telecommunications providers have placed equipment on the Facility and drastic modifications would significantly reduce wireless coverage. Second, the Facility provides significant collocation possibilities and reduces the need for new facilities in the area. Any reduction in the Facility’s height would require multiple new wireless facilities to be constructed in the City to meet the inevitable coverage gap. This result would not benefit the public. Third, the reduced construction and siting costs ultimately benefit the community in the form of affordable wireless coverage. Finally, it should be noted that MCI continues to use the Facility for microwave transmissions. Drastic changes in the Facility would negatively impact the provision of these services and ultimately hurt the community.



John F. Signo, City of Carson
March 14, 2007
Page 5

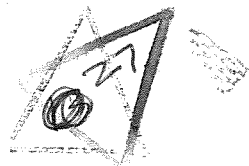
ATC would like to meet with you at your earliest convenience to discuss the status of the Facility, the pending Application, and the proposal outlined in this letter. You can reach me at (310) 982-1760 or jamie.hall@channellawgroup.com.

Sincerely,



Jamie T. Hall
Attorney for American Tower Corporation

c: Max Castillo, Assistant Planner, City of Carson
Drew Galvin, Esq., American Tower Corporation
James Kelly, American Tower Corporation





AMERICAN TOWER

Ms. Charnel McCall
Wireless Network Development
23411 Summerfield, #8E
Aliso Viejo, CA 92656

Re: 17900 Central Avenue, Carson City - Cell Site Non-conforming review

Dear Ms. McCall:

We have reviewed the letter you received from Richard Kawasaki (copy attached) regarding some additional information that he has requested to support the conditional use permit application and the corresponding extension for non-conforming use.

I would submit to you the following information for your review in response to his request:

- American Tower has made significant investments in our portfolio of communication assets. We are proud that our assets have been able to make a difference in the lifestyle that we all enjoy, including the ability to communicate via wireless phone service with family, friends and business associates, allow for data transmission, and of course provide governmental support for E911 and other services.
- Our return on investment is predicated on a number of factors. Two of the key factors are the life of the structure and the ability for the Company to be able to add additional tenants to these structures after they are constructed. Both of these metrics are considerations when we make determinations as to purchasing or building new assets.

Exhibit 3



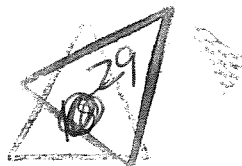
- In regards to this tower site, collocation, and our minimum ROI expectations.
 - This site was acquired just over one year ago
 - American Tower's investment in this asset is significant
 - Our typical return expectations are based on long term leases that are executed by our tenants.
 - These leases are typically for terms of 15 - 25 years.
 - Accordingly, we build our return expectations to this time frame.
 - The typical life of a communications structure is very long. We are attaching an opinion from a Leading Structural Engineering firm in the Telecommunications Industry regarding structure asset lives.
 - This opinion was completed in December of 2005.
 - The minimum life of a properly maintained structure is estimated to be 50 years per this analysis.
 - The addition of tenants to these assets is another key component that also allows for the Company to recoup its investment and meet minimum ROI expectations.
 - The addition of the tenant that is now before the city will assist and support the minimum returns of the financial investment that has been made.

We trust that this information is in line with what was requested by Mr. Kawasaki.

If you have any further questions, or if we can be of any further help, please feel free to contact me. I can be reached using any of the methods as noted below.

Sincerely Yours,

Doug Huff
Sr VP Finance & Site Operations
(O) 678.569.1804 (M) 678.592.6860 Email Douglas.huff@americantower.com



1079 N 204th Ave.
Elkhorn, NE 68022
402-289-1888
Fax-289-1861

SEMAAN ENGINEERING SOLUTIONS

Life Expectancy of Communications Structures

Company Experience

Semaan Engineering Solutions, Inc. specializes in telecommunications structures and foundations. Structures comprise of monopoles and towers, free standing or guyed. Semaan Engineering Solutions, Inc. performed in excess of twelve thousands tower structural analyses over the past fifteen years, including the design of several thousands of telecommunication structure foundations in many parts of the country.

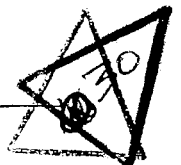
Over the last five years Semaan Engineering Solutions, Inc. positioned itself as the exclusive tower structural engineering vendor for collocations on towers owned by American Tower, Alltel, US Cellular-midwest, Sprint Sites USA, AAT Communications, Mountain Union Telecom and T-Mobile USA.

Robert Semaan P.E., S.E. is the firm's President; Mr. Semaan obtained a B.S. and an M.S. in structural engineering and has over twenty years of experience in the structural engineering field including teaching graduate college courses in structural engineering. He is a registered Professional Engineer (P.E) in many states and is a registered Structural Engineer (S.E.) in the state of Illinois.

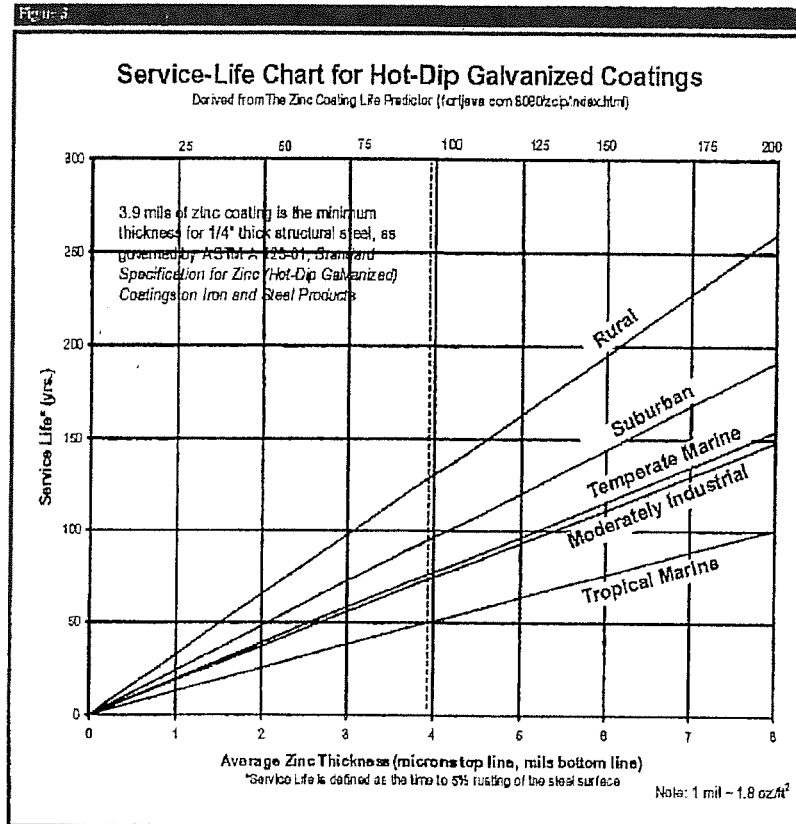
Communication Towers – Background and Standard Practice

Communication structures date as far back as the 1940's, which in those days were mainly broadcast towers. These older towers were manufactured of low strength steel and were mainly painted. A good number of these older towers are still standing to this age despite the light corrosion protection the painting provided. Later the use of higher strength steel became more common and the preferred corrosion protection quickly became zinc plating or more specifically hot dip galvanizing. Most if not all PCS telecommunication structures today are hot dip galvanized. All structural steel members and components have zinc coating in the form of hot dip galvanizing. Structural steel members are typically hot dipped galvanized in accordance with ASTM Standard A123. Fasteners are typically galvanized in accordance with ASTM Standard A153 (hot-dipped) or ASTM Standard B695 Class 50 (mechanical).

There are numerous publications about galvanizing and its service life cycle. Below is one chart from the American Galvanizers Association showing the galvanizing thickness (mils) versus the service life span (years) of the galvanized structure. Typically telecommunication structures are galvanized in accordance with ASTM Standard A123 with a minimum 3.9 mils of galvanizing.



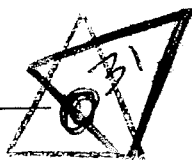
December 22, 2005



As you can see from the chart above that the most corrosive condition is the tropical marine environment. Even with the most corrosive environment and the minimum coating requirement, the service life of a properly maintained structure is fifty (50) years and for the less corrosive environment, the service life can be as high as ninety (90) years.

For reference, below are the EIA/TIA Standard maximum intervals for maintenance and condition assessment:

- a) Three-year intervals for guyed towers and five-year intervals for self-supporting structures.
- b) After severe wind or ice storms or other extreme conditions.
- c) Shorter inspection intervals may be required for structures in coastal regions, in corrosive environments.

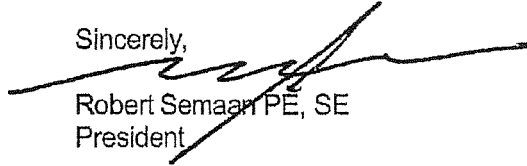


December 22, 2005

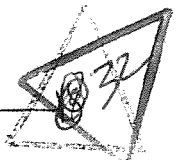
Towers are in nature simple steel structures pre-manufactured and galvanized in fabrication shops under controlled conditions and quality assurance programs and if maintained regularly and properly, should easily attain the service lives as predicted and shown in the chart above.

Please feel free to call if you should have any questions.

Sincerely,



Robert Semaan PE, SE
President



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 07-2176

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW 1011-07, CONDITIONAL USE PERMIT 609-06 AND CONDITIONAL USE PERMIT 676-07 TO COLLOCATE AN UNMANNED WIRELESS TELECOMMUNICATION FACILITY ON AN EXISTING 235-FOOT HIGH RADIO TOWER AT 17900 SOUTH CENTRAL AVENUE.

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, Core Communications, represented by John Koos, with respect to real property located at 17900 South Central Avenue, and described in Exhibit "A" attached hereto, requesting the approval of a Site Plan and Design Review and Conditional Use Permits to permit and collocate an unmanned wireless facility on an existing 235-foot high radio tower in the CG (Commercial, General) zone and within Redevelopment Project Area No. 4. The application includes:

- Design Overlay Review (DOR) for review of architectural design as required for freestanding major wireless telecommunication facilities located less than 100 feet from a residential zone. (CMC Section 9138.16.D).
- Conditional Use Permit (CUP) for telecommunication facilities that exceed the maximum height limit (CMC Section 9138.16.F).
- Conditional Use Permit (CUP) for existing telecommunication facilities that have become legal, non-conforming uses (CMC Section 9182.21-22).

A public hearing was duly held on November 13, 2007, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. Notices of time, place and purpose of the aforesaid meeting were duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid hearings. At the meeting of November 13, 2007, the public hearing was continued until November 27, 2007.

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 General Commercial which is compatible with the proposed use. The proposed use and development of a wireless telecommunication facility will be consistent with the surrounding commercial and residential uses and is appropriate for the subject property as proposed, subject to the conditions of approval,
- b) The project is compatible in design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open spaces and other features



relative to a harmonious and attractive development of the area. The radio tower already has very large antennas near the top of the tower as well as some cell antennas similar in size to the proposed antennas. The six proposed antennas will not degrade the visual character of the site. A condition of approval shall require evaluation of the telecommunication facility in seven (7) years or 2015 to allow the City to develop and implement any further improvements to the site as deemed necessary by the Planning Commission to buffer the surrounding residential neighborhood from the existing tower.

- 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 commercial and residential uses and the proposed project is compatible with those uses. The site is 38,700 square feet in size, and is flat;
- 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 signs intended for the proposed project other than those required for safety purposes, which will meet the requirements of the Municipal Code;
- f) The proposed wireless telecommunication facility will replace existing antennas and is located and designed to minimize the visual impact on surrounding properties and from public streets, including stealthing which incorporates the facility with the structure in which it will be mounted through use of material, color, and architectural design. To further improve aesthetics on the site, conditions of approval are included to require: 1) the applicant to paint any portion of the tower or buildings in disrepair to the satisfaction of the Planning Department; 2) the applicant shall replace chain link fencing along Central Avenue with a wrought iron fence and all existing barb wire shall be removed; and 3) to the extent feasible, the applicant shall provide landscaping around the perimeter of the property. Prior to issuance of a building permit a landscaping plan must be approved by the Planning Division;
- g) The proposed wireless telecommunication facility meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations. Therefore all of the required findings pursuant to Section 9172.21(D), "Conditional Use Permit", Section 9172.23(D), "Site Plan and Design Review, Approval Authority and Findings and Decision", Section 9138.16(G), "Wireless Telecommunication Facilities, Minor Exceptions" and Section 9138.16(H), "Wireless Telecommunication Facilities, Required Findings" are made in the affirmative.

Section 4. The Planning Commission further finds that the use permitted by the proposed Site Plan and Design Review and Conditional Use Permits will not have a significant effect on the environment. The existing facility will not alter the predominantly character of the surrounding area and meets or exceeds 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.

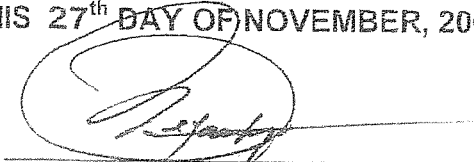


Section 5. Based on the aforementioned findings, the Commission hereby grants Design Overlay Review No. 1-07, Conditional Use Permit No. 09-06 and Conditional Use Permit No. 676-06 with respect to the property described in Section 1 hereof, subject to the conditions and plans set forth in Exhibit "B" and "C" respectively attached hereto

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

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

PASSED, APPROVED AND ADOPTED THIS 27th DAY OF NOVEMBER, 2007


CHAIRMAN

ATTEST:


SECRETARY



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION

EXHIBIT "B"

CONDITIONS OF APPROVAL

DESIGN OVERLAY REVIEW NO. 1011-07

CONDITIONAL USE PERMIT NO. 609-06

CONDITIONAL USE PERMIT NO. 676-07

GENERAL CONDITIONS

1. If a building permit for Design Overlay Review No. 1011-07, Conditional Use Permit No. 609-06 and Conditional Use Permit No. 676-07 is not issued within one year of their effective date, said permits 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 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. 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. These permits, Conditional Use Permit No. 609-06 and Conditional Use Permit No. 676-07, shall expire in seven (7) years or by November 27, 2015, unless an extension of time is filed by the applicant prior to expiration, and subsequently reviewed and approved by the Planning Commission.
10. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceedings against the City or its agents, officers, or employees to attack, set aside, void or annul, an approval of the City, its advisory agencies, appeal boards, or legislative body concerning Design Overlay Review No. 1011-07 Conditional Use Permit No. 609-06 and Conditional Use Permit No. 676-07. 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

11. The required parking shall meet all applicable standards as outlined in Part 6, Division 2 of the Carson Zoning Ordinance.
12. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
13. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
14. Parking spaces shall be provided with perimeter guards as provided in Section 9162.55 of the Zoning Ordinance.



15. All areas used for temporary movement parking, loading, repair or storage of vehicles shall be paved with either
 - a. Concrete or asphaltic concrete to a minimum thickness of three and one-half inches over four inches of crushed aggregate base; or
 - b. Other surfacing material which, in the opinion of the Director of Engineering Services, provides equivalent life, service and appearance.
16. Parking for handicapped shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.

AESTHETICS

17. 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.
18. The wireless telecommunication facility shall not exceed the height specified in the development plan.
19. All new electrical and equipment wiring shall be placed underground or concealed within the building or structure in which the facility will be mounted.
20. The ground equipment and supporting structure(s) shall be painted a neutral, non-glossy color.
21. The applicant shall paint any portion of the tower or buildings in disrepair to the satisfaction of the Planning Department
22. 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.).
23. All trash shall be removed prior to the issuance of a building permit. The subject property shall be maintained at all times to present an attractive appearance to the satisfaction of the Planning Division. Three existing storage containers in the front parking area shall be removed.

LANDSCAPING/IRRIGATION

24. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division prior to the issuance of any building permit.
25. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."



26. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically-timed controller station set for early morning or late evening irrigation.
27. The applicant and property owner shall provide landscaping and/or upgraded fencing around the perimeter of the property to screen the facility at such time that the adjoining vacant property is developed, subject to approval by the Planning Division.

FENCES/WALLS

28. Perimeter fences shall be architecturally coordinated with the project buildings and subject to the approval of the Planning Division.
29. All fences, walls and hedges shall be located and constructed in compliance with the standards as provided for in Section 9136.3 (commercial zones) of the Zoning Ordinance.
30. The applicant shall provide a new wrought iron fence along the western property line in order to provide screening, as necessary, and to replace any fencing found to be dilapidated or in poor condition.
31. The applicant shall remove all existing barb wire fencing.

NOISE

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

TRASH

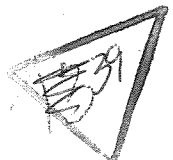
34. The trash enclosure(s) shall be located on a four inch concrete pad screened by a six foot high decorative concrete block wall that is compatible with the architectural design of the main building and in the location specified in the approved site plan. Trash enclosure design is to be approved by the Planning Division prior to issuance of any building permit/business license.
35. All existing trash containers shall be within a trash enclosure.

PUBLIC SAFETY - CITY OF CARSON

36. Ensure compliance with current seismic mitigation codes.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

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



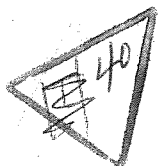
38. The estimated construction cost for this project is less than \$100,000 therefore the project is not subject to offsite improvements, with exceptions to the following items:
- a. A construction permit is required for any work to be done in the public right-of-way.
 - b. Any improvements damaged during the construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.
 - c. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy.
 - d. The Developer shall construct and guarantee the construction of all required drainage infrastructures in accordance with the requirements and recommendations of the drainage study, subject to the approval of the City Engineer.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

39. All requirements by the L.A. County Fire Department shall be complied with.

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

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



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT 992-15 AND DESIGN OVERLAY REVIEW 1621-16 FOR AN EXISTING 235-FOOT RADIO TOWER WITH MULTIPLE EXISTING TELECOMMUNICATION FACILITIES AT VARIOUS HEIGHTS IN THE CG (COMMERCIAL, GENERAL) ZONE AT 17900 SOUTH CENTRAL AVENUE

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, American Towers LLC, with respect to real property located at 17900 South Central Avenue, and described in Exhibit "A" attached hereto, requesting the approval of Conditional Use Permit No. 992-15 and Design Overlay Review No. 1621-16, to approve an existing 235-foot radio tower with multiple existing telecommunication facilities at various heights in the CG (Commercial, General) zone. The application includes:

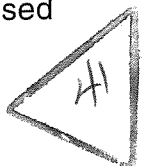
- Design Overlay Review (DOR) for review of architectural design as required for freestanding major wireless telecommunication facilities located less than 100 feet from a residential zone. (CMC Section 9138.16.D).
- Conditional Use Permit (CUP) for telecommunication facilities that exceed the maximum height limit (CMC Section 9138.16.F).

A public hearing was duly held on August 8, 2017, 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 General Commercial which is compatible with the proposed use. The proposed use and development of a wireless telecommunication facility will be consistent with the surrounding industrial and residential uses and is appropriate for the subject property as proposed, subject to the conditions of approval.
- 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. A condition of approval requires the tower to be replaced with a shorter (105 feet) and stealth facility within 3 years of approval of the CUP and DOR to mitigate the appearance of the tower to the existing and potential surrounding residential development.
- c) The site is also adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development. The surrounding land uses are industrial and residential uses and the proposed

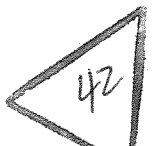


project is compatible with those uses. The site is 1.4 acres in size, and is flat;

- e) There are no signs intended for the proposed project other than those required for safety purposes, which will meet the requirements of the Municipal Code;
- f) 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 accessible from Central Avenue;
- g) The existing use is compatible with the adjacent planning areas described in the Dominguez Hills Village Specific Plan, with adjacent parcels designated for industrial, oil/chemical production and neighborhood retail uses.
- h) Approval of the existing tower will not result in any increased visual impact. The existing facility is occupied by four communication providers and reduces the need for other communication facilities within the City.
- i) The tower is located toward the rear of the parcel and the parcel is landscaped with trees, shrubs and ground cover.
- j) The proposed wireless telecommunication facility meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations. Therefore all of the required findings pursuant to Section 9172.21(D), "Conditional Use Permit", Section 9172.23(D), "Site Plan and Design Review, Approval Authority and Findings and Decision", Section 9138.16(G), "Wireless Telecommunication Facilities, Minor Exceptions" and Section 9138.16(H), "Wireless Telecommunication Facilities, Required Findings" are made in the affirmative.
- k) The applicant acknowledges that if the applicant complies with the three (3) year schedule prescribed herein to replace the existing tower with a 105' high stealth facility, the Conditional Use Permit shall be valid for a term of ten (10) years, to expire on August 8, 2027. The applicant further acknowledges that if the applicant fails to comply with the three (3) year schedule prescribed herein, the use and the development approved by this Conditional Use Permit shall terminate three (3) years after the granting of such, to expire on August 8, 2020 and the existing tower shall be removed.

Section 4. The Planning Commission further finds that the use permitted by the proposed Site Plan and Design Review and Conditional Use Permit will not have a significant effect on the environment. The existing facility will not alter the predominantly character of the surrounding area and meets or exceeds 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. 1016-16 and Design Overlay Review No. 1621-16 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto, and approves the categorical exemption.



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

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

PASSED, APPROVED AND ADOPTED THIS 8th DAY OF AUGUST, 2017.

CHAIRMAN

ATTEST:

SECRETARY

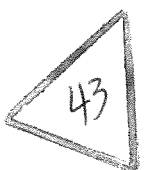


EXHIBIT "A"

Legal Description

THAT PORTION OF THE 16.00 ACRE TRACT IN THE RANCHO SAN JESU, IN THE CITY OF
DARWIN, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ALLOCATED TO ISAIAH W. HERRMAN, BY
THE DECREE OF PARTITION OF A PORTION OF SAID RANCHO IN CASE NO. 16897 OF THE SUPERIOR
COURT OF SAID COUNTY A CERTIFIED COPY OF SAID DECREE BEING RECORDED IN BOOK 284
PAGE 186 OF RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS
FOLLOWS:

BEGINNING OF THE NORTHERLY LINE OF THE LAND AS DESCRIBED IN THE DEED TO THE
CALIFORNIA GAS COMPANY, RECORDED FEBRUARY 19, 1947 AS INSTRUMENT NO. 1778 IN BOOK
5889 PAGE 312 OF OFFICIAL RECORDS OF SAID COUNTY, WITH THE EASTERLY LINE OF CENTRAL
AVENUE VARIOUS IN WIDTH AS DESCRIBED IN PARAGRAPH 3 OF THE DEED TO THE CITY OF GARDEN
RECORDED MARCH 14, 1933 AS DOCUMENT NO. 82-30751 OF OFFICIAL RECORDS OF SAID COUNTY;
THENCE ALONG SAID CENTRAL AVENUE NORTH 7 DEGREES 21 MINUTES 39 SECONDS WEST 221.00
FEET; THENCE NORTH 89 DEGREES 34 MINUTES 23 SECONDS EAST 190.00 FEET; THENCE SOUTH 1
DEGREE 21 MINUTES 17 SECONDS EAST 221.00 FEET TO THE NORTHERLY LINE OF SAID HERRMAN
AS AVE MENTIONED DEED TO THE CALIFORNIA GAS COMPANY; THENCE ALONG SAID NORTHERLY LINE
SOUTH 89 DEGREES 34 MINUTES 23 SECONDS WEST 190.00 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM ALL OIL, GAS, WATER, LEAD, HYDROCARBON SUBSTANCES, WATER AND OTHER
MINERALS BELOW A DEPTH OF 500 FEET MEASURED VERTICALLY FROM THE PRESENT SURFACE OF
SAID LAND TOGETHER WITH THE RIGHT OF ENTRY BELOW SAID DEPTH OF 500 FEET BY MEANS OF
CONVENTIONAL DRILLING FROM OTHER LANDS TO DEVELOP AND PRODUCE OIL, GAS, BITUMEN,
HYDROCARBON SUBSTANCES, WATER AND OTHER MINERALS, AND THE RIGHT TO USE THE STRUCTURES
BELOW SAID DEPTH OF 500 FEET FOR THE STORAGE AND SUBSEQUENT REMOVAL OF GAS & OTHER
SUBSTANCES BUT WITH NO RIGHT OF SURFACE ENTRY.

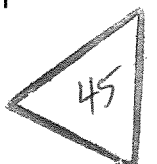
CITY OF CARSON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 992-15
DESIGN OVERLAY REVIEW NO. 1621-16

GENERAL CONDITIONS

1. In recognition of the proposed residential and/or mixed use development of the adjacent parcels (APN 7319-003-805, 7319-003-104, 7319-003-105, 7319-003-106), the applicant (American Tower), or the owner of the tower (facility) at the time, shall remove and replace the existing facility with a new, "stealth" facility on the subject parcel (APN 7319 003 809) within three (3) years of the expiration of all applicable appeal and/or statute of limitations periods (the "Effective Date") following the Planning Commission approval of Conditional Use Permit (CUP) No. 992-15 and Design Overlay Review (DOR) No. 1621-16.

The new facility shall be camouflaged or designed to blend with the surrounding environment and land uses, minimize aesthetic impact on adjacent uses, and conceal the intended use and appearance of the structures. Such camouflage design may take the form of a "mono-pine" as depicted in Exhibit 2, or may employ other camouflage design features. The height of the new facility shall not exceed 105 feet. Subject to the height limitation and camouflaging requirements, the new facility shall be of equal or superior quality to the existing facility, including with regard to signal propagation required by communication service providers collocated on the facility, structural capacity, and ground equipment space

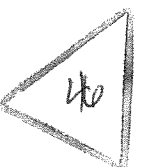
If the design of the new facility substantially conforms to the mono-pine design shown in Exhibit 2, or such other camouflage design as the Applicant, the Planning Manager, and the party proposing to develop the adjacent parcels may reasonably agree upon, and the height of the new facility does not exceed 105 feet, no further Planning Commission approval of the new facility shall be required pursuant to Section 9138.16 – Communications Facilities – of the Carson Municipal Code and shall be subject to approval by the Planning Manager. Within one (1) year of the Effective Date, the applicant shall report to the Planning Manager regarding the current status of redevelopment plans for the new facility. Such report shall include the status of Applicant's construction plans and coordination with the developer of the adjacent parcels and wireless carriers. Within two (2) years of the Effective Date, Applicant shall submit an



application for a building permit to construct the new facility. Upon receipt of the building permit, Applicant shall construct the facility and use reasonable best efforts to complete construction of the new facility and the removal of the existing facility on or before three (3) years after the Effective Date.

Within 30 days of the Effective Date, Applicant shall post with the City a performance bond or other security in the amount of \$120,000, which shall cover the cost of removal of the existing facility if Applicant should fail to comply with this Condition.

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 approved 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 and on file with the City Planning Division, in order to comply 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 shall submit two complete sets of plans that conform to all the Conditions of Approval, and which are consistent with the development plans included as exhibits to the staff report presented at the hearing in which the project was approved, including modifications to the plans and/or conditions of approval made by the Planning Commission during said hearing. Such approved development plans are subject to review and approval by the Planning Division prior to the issuance of a building permit.
6. 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.
7. 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.
8. 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.
9. 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



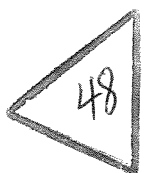
property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.

10. **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.
11. **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.
12. **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.
13. **Indemnification.** The applicant, the owner, tenant(s), and their subsequent successors (Parties) agree to 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 any damage or harm to people or property, real and personal, that may result from the Parties operations or any claims against the City for or as a result of the granting of the approval. The City will promptly notify the Parties of any such claim, action, or proceeding against the City, and Parties will pay the City's associated legal costs and will advance funds assessed by the City 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 Parties' 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. Parties shall provide a deposit in the amount of 100% 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 Parties fails to provide or maintain the deposit, the City may abandon the action and Parties shall pay all costs resulting therefrom and the City shall have no liability to Parties.



PLANNING DIVISION

14. The applicant acknowledges that if the applicant complies with the three (3) year schedule prescribed herein to replace the existing tower with a 105' high stealth facility, the Conditional Use Permit shall be valid for a term of ten (10) years, to expire on August 8, 2027. The applicant further acknowledges that if the applicant fails to comply with the three (3) year schedule prescribed herein, the use and the development approved by this Conditional Use Permit shall terminate three (3) years after the granting of such, to expire on August 8, 2020 and the existing tower shall be removed.
15. Before the permittee submits any applications to the Building Division to remove equipment, the permittee must incorporate this permit, all conditions associated with this permit and any approved photo simulations into the project plans (the "Approved Plans"). The permittee must construct, install and operate the wireless facility in strict compliance with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the Director's prior review and approval, who may refer the request to the original approval authority if the Director finds that the requested alteration, modification or other change substantially deviates from the Approved Plans or implicates a significant or substantial land use concern.
16. The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. Records may be kept in electronic format.
17. Permittee shall keep all access points to the equipment enclosures and the perimeter area of the tower locked at all times, except when active maintenance is performed on the equipment or tower.
18. Permittee shall install and at all times maintain in good condition an "RF Notice" sign and "Network Operations Center" sign adjacent to the access gate(s). The signs required in this condition must be placed in a location where they are clearly visible to a person approaching the access gate in the open and closed positions.
19. Permittee shall install and at all times maintain in good condition an "RF Notice" sign and "10-Step Guidelines" sign at the base of the tower. The signs required in this condition must be placed in a location where they are clearly visible to a person climbing the tower.



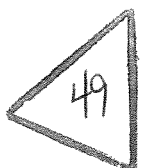
20. Permittee shall ensure that all signage complies with FCC OET Bulletin 65 or ANSI C95.2 for color, symbol and content conventions. All such signage shall provide a working local or toll-free telephone number to its network operations center that reaches a live person who can exert transmitter power-down control over this site as required by the FCC.

LANDSCAPING/IRRIGATION

21. Comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
22. Landscaping shall be provided with a permanently installed working, automatic irrigation system and operated by an electrically-timed controller station set for early morning or late evening irrigation.
23. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.

AESTHETICS

24. All trash shall be removed prior to the issuance of a building permit. The subject property shall be maintained at all times to present an attractive appearance to the satisfaction of the Planning Division. Overgrown and dead vegetation, fence signs and accumulated trash and debris shall be removed.
25. 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.).
26. Prior to Issuance of building permit, the specification of all colors and materials must be submitted and approved by the Planning Division.
27. The wireless telecommunication facility shall not exceed the height specified in the development plan.
28. All new electrical and equipment wiring shall be placed underground or concealed within the building or structure in which the facility will be mounted.
29. The ground equipment and supporting structure(s) shall be painted a neutral, non-glossy color.
30. The applicant shall paint any portion of the tower or buildings in disrepair to the satisfaction of the Planning Department.



FENCES/WALLS

- 31. Perimeter fences and walls shall be architecturally coordinated with the project buildings and future development, subject to the approval of the Planning Division.

LIGHTING

- 32. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9137.1 (commercial zones) of the Zoning Ordinance.
- 33. Such lights are to be directed on-site in such a manner as to not create a nuisance or hazard to adjacent street and properties, subject to the approval of the Planning Division.

NOISE

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

PARKING

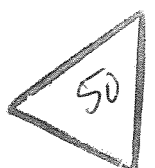
- 36. All driveways shall remain clear. No encroachment into driveways shall be permitted.

TRASH

- 37. All existing trash containers shall be within a trash enclosure.

BUILDING AND SAFETY DIVISION

- 38. Submit development plans for plan check review and approval.
- 39. Obtain all appropriate building permits and an approved final inspection for the proposed project.
- 40. Prior to issuance of building permit, proof of worker's compensation and liability insurance must be on file with the Los Angeles County Building and Safety Division.



ENGINEERING SERVICES DEPARTMENT – CITY OF CARSON

General Conditions

- 41. Any existing off-site improvements damaged during the construction shall be removed and reconstructed per City of Carson standard plan and to the satisfaction of the City Engineer.
- 42. A construction permit is required for any work to be done in the public right-of-way.

Prior to Issuance of Building Permit

- 43. Any existing off-site improvements damaged during the construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.
- 44. A construction permit is required for any work to be done in the public right-of-way.
- 45. Construction bond for all work to be done within the public right of way shall be submitted and approved by Engineering Services prior to issuance of permit by Engineering Services.
- 46. Proof of Worker’s Compensation and Liability Insurance shall be submitted to the city prior to issuance of construction permit.
- 47. The Developer shall submit improvement plans to the Development Services Group – Engineering Division showing any required improvements in the public right of way for review and approval of the City Engineer. A copy of approved conditions of approval shall be attached to the plans when submitted.

Prior to Issuance of Certificate of Occupancy

- 48. Repair any broken or raised/sagged sidewalk, curb and gutter within the public right of way along Central Avenue and Victoria Street abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

- 49. Cell Site/Building need review and comply with requirements for Backup Battery Storage. CFC 608.
- 50. Provide info on amount of electrolyte material in each battery and full amount of storage.



51. All other requirements of the Fire Department shall be met.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

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

