



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS CONSENT: April 27, 2021

SUBJECT: Modification No. 2 to Site Plan and Design Review (DOR) 1621-16 and Conditional Use Permit (CUP) No. 992-15

APPLICANT: Inland Valley Construction
c/o American Towers LLC
Attention: Toni Caruso
18382 Slover Avenue
Bloomington, CA 92316

PROPERTY OWNER: MCI Telecommunications Corp,
dba: Verizon Business
17900 S. Central Avenue
Compton, CA 90220-5433

REQUEST: Consider approval of Modification No. 2 to Site Plan and Design Review 1621-16 and Conditional Use Permit No. 992-15 to allow an additional six months for removal of an existing 235-foot lattice tower wireless facility.

PROPERTY INVOLVED: 17900 South Central Avenue

COMMISSION ACTION

AYE	NO		AYE	NO	
		Chairperson Thomas			Monteclaro
		Vice-Chair Palmer			Thomas
		Diaz			Rashad
		Guerra			
		Huff			Alt. Alt. Alt.

Item No. 5B

I. Introduction

Applicant

Inland Valley Construction
c/o American Towers LLC
Attention: Toni Caruso
18382 Slover Avenue
Bloomington, CA 92316

Property Owner

MCI Telecommunications Corp,
dba: Verizon Business
17900 S. Central Avenue
Compton, CA 90220-5433

II. Project Description

The applicant, Inland Valley Construction on behalf of American Towers, LLC, requests approval of an additional six months for removal of an existing 235-foot lattice tower (previously used as a wireless telecommunications facility) in the CG (Commercial, General) zone.

Carson Municipal Code Section 9172.21 G (Conditional Use Permit) and Section 9172.23 H (Site Plan and Design Review) of the Carson Municipal Code require City approval for subsequent modification of conditions for such entitlements, but provide that a public hearing on such a proposed modification of conditions need not be held under certain circumstances, including when no hearing is requested and the proposed modification of conditions does not extend beyond the intent of the original approval of the entitlement or the conditions previously adopted.

III. Analysis

The Planning Commission adopted Resolution No. 17-2608 on August 8, 2017, approving DOR 1621-16 and CUP 992-15 for continued operation of the existing 235-foot radio/wireless tower with four telecommunication facilities at various heights until August 8, 2020, and removal and replacement of the tower with a 105-foot stealth monopine within said timeframe. On July 29, 2020, the Planning Commission approved Modification No. 1 to DOR No. 1621-16 and CUP No. 992-15, modifying the project conditions of approval to allow for an additional three months, until November 8, 2020, to complete installation of the new monopine, and an additional nine months, until May 8, 2021, to remove the existing tower (Exhibit No. 1).

The 105-foot stealth monopine was installed by the November 2020 expiration date approved by the Planning Commission. However, by March 2021, the relocation of the antennas from the lattice tower to the monopine was not completed, and the applicant submitted a request for Modification No. 2 to DOR No. 1621-16 and CUP No. 992-15 to allow for an additional six months, until November 8, 2021, to complete the relocation of the antennas to the monopine and remove the existing lattice tower.

On March 25, 2021, the applicant met with City Staff to discuss the relocation of antennas and removal of the lattice tower before the May 8, 2021 expiration date. Through efforts by the applicant and City staff, as of April 11, 2021, all antennas were removed from lattice tower and the tower was on track to be removed before the May 8, 2021 expiration date.

However, as the removal of the lattice tower began on April 12, 2021, two hawk's nests were discovered on the tower by the demolition workers. Per State and Federal laws, work to remove the lattice tower was stopped.

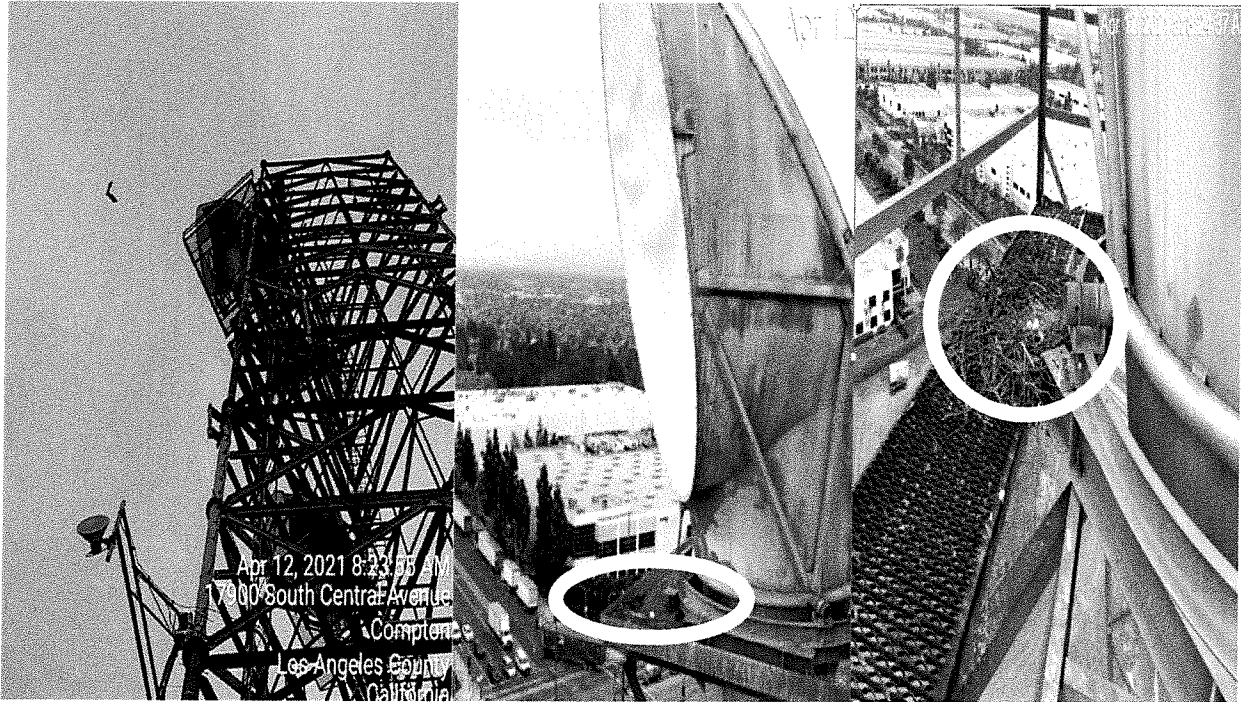


Figure (a) Lattice Tower Hawk and Nests Pictures dated April 12, 2021

Despite efforts by staff and the applicant to complete work by the May 8, 2021 expiration date, removal of the tower has now been delayed. Although the applicant is currently working with Federal agencies to expedite the relocation of the nests to facilitate the removal of the lattice tower, the applicant requests the six-month extension of its deadline to complete the removal of the lattice tower.

Staff recommends approval of the request. Because the deadline is set forth in the project conditions of approval, a modification of the conditions is needed. However, the item is presented to the Commission on consent because no public hearing has been requested and staff is of the opinion that the proposed modification does not extend beyond the intent of the original approval and the conditions previously adopted.

The proposed residential development adjacent to the site has been notified and is in support of the six-month time extension. With the discovery of the hawks' nests, the proposed residential development will also be adopting appropriate construction practices.

Staff recommends that Modification No. 1 to Resolution No. 17-2608 be modified to read as follows (additions shown in ***bold italics***, deletions in ~~strikethrough font~~):

Condition of Approval 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). The . . . existing facility shall be removed within ~~three (3) years and nine (9) months~~ **four (4) years and three (3) months**, 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.

. . . Applicant shall . . . use reasonable best efforts to complete . . . removal of the existing facility on or before ~~three (3) years and nine (9) months~~ **four (4) years and three (3) months** after the Effective Date."

The clarifying statement denoted by an asterisk following the condition would also be updated in a corresponding fashion.

Condition of Approval No. 14:

"The applicant acknowledges that if the applicant complies with the schedule prescribed in Condition No. 1 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 schedule prescribed in Condition No. 1, the use and the development approved by this Conditional Use Permit shall terminate ~~three (3) years and three (3) months~~ **four (4) years and three (3) months** after the granting of such, to expire on ~~November 8, 2020~~ **November 8, 2021**, and the existing tower shall be removed by ~~May 8, 2021~~."

Recommendation

That the Planning Commission:

- **ADOPT** Resolution No. 21-____, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION NO. 2 TO SITE PLAN AND DESIGN REVIEW 1621-16 AND CONDITIONAL USE PERMIT NO. 992-15 TO ALLOW AN ADDITIONAL SIX MONTHS FOR REMOVAL OF AN EXISTING 235-FOOT LATTICE TOWER FACILITY AT 17900 SOUTH CENTRAL AVENUE."

Exhibits

1. Planning Commission Resolution No. 20-2698 for Modification No. 1 to Conditional Use Permit No. 992-15 and Design Overlay Review No. 1621-16 dated July 29, 2020)
2. Letter of Justification dated March 22, 2021 (with Planning Commission Resolution No. 17-2608 dated August 8, 2017, Planning Commission Resolution No. 20-2698 dated July 29, 2020), Proposed Construction Schedule)
3. Draft Resolution
 - a. *Legal Description*
 - b. *Conditions of Approval*

Prepared by: Max Castillo, Assistant Planner

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 20-2698

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF CARSON APPROVING MODIFICATION
NO. 1 TO SITE PLAN AND DESIGN REVIEW 1621-16 AND
CONDITIONAL USE PERMIT NO. 992-15 TO ALLOW AN
ADDITIONAL THREE MONTHS OF OPERATION FOR AN
EXISTING 235-FOOT LATTICE TOWER-MOUNTED
WIRELESS FACILITY AT 17900 SOUTH CENTRAL
AVENUE**

WHEREAS, on July 14, 2020, the Department of Community Development received an application from the applicant, American Towers, LLC, on behalf of MCI Telecommunications Corp, (dba Verizon Business), for real property located at 17900 S. Central Avenue and legally described in Exhibit "A" attached hereto, requesting approval of Modification No. 1 to Design Overlay Review 1621-16 and Conditional Use Permit 992-15 to allow an additional three months of operation for an existing 235-foot lattice tower-mounted wireless facility; and

WHEREAS, studies and investigations were made and a staff report with recommendations was submitted, and the Planning Commission did on the 28th day of July, 2020, conduct a public meeting as required by law to consider said modification request; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Planning Commission finds that the foregoing recitals are true and correct, and are incorporated herein by reference.

SECTION 2. The Planning Commission finds as follows:

- a) The proposed project is consistent with the General Plan of the City of Carson. The project site has a General Plan Land Use designation of General Commercial and the proposal to allow an additional three months of operation for an existing 235-foot lattice tower-mounted wireless facility is compatible with the surrounding uses.
- b) The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development. The additional three months of operation will be a continuation of an existing use and does not include any physical modifications to the facility.
- c) There will be adequate street access and traffic capacity as the additional three months of operation will be a continuation of an existing use and does not include any modifications to access the subject property.
- d) There will be adequate water supply for fire protection. The additional three months of operation will be a continuation of an existing use and does not include any physical modifications to the facility that would require additional water supply for fire protection purposes.

- e) The proposed use and development will be compatible with the intended character of the area. The additional three months of operation will be a continuation of an existing use that has coexisted with the immediate surroundings since 2017.

SECTION 3. Pursuant to Section 15060(c)(2) of the California Environmental Quality Act (CEQA) Guidelines, the proposed Modification No. 1 is not subject to CEQA because the activity will not result in direct or reasonable foreseeable indirect physical change in the environment.

SECTION 4. Design Overlay Review No. 1621-16 and Conditional Use Permit No. 992-16 complies with the City's Zoning Ordinance and General Plan and is consistent with the intent of Article IX, Chapter 1, Section 9172.23 (Site Plan and Design Review) of the Carson Municipal Code.

SECTION 5. The Planning Commission of the City of Carson, pursuant to the findings noted above, does hereby approve Modification No. 1 to allow an additional three months of operation for an existing 235-foot lattice tower-mounted wireless facility at 17900 South Central Avenue, subject to the Conditions of Approval contained in Exhibit "B," attached hereto.

SECTION 6. This decision of the Planning Commission shall become effective and final 15 days after the date of the action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.

SECTION 7. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 28th day of July, 2020.

Ramona Pimentel (COVID signature)
CHAIRPERSON

ATTEST:

Denise Bothe (COVID signature)
SECRETARY

EXHIBIT "A"

Legal Description

THE SECTION OF THE ... ARE PART OF THE ... IN THE ... OF ... STATE OF CALIFORNIA ... IN THE ... OF ... IN THE ... OF ...

BEING ... OF THE ... OF THE LAND AS DESCRIBED IN THE ... OF THE ... CALIFORNIA ... RECORD ... AS ...

EXCEPT THEREOF ... WATER AND ... WITHIN ... WITHIN THE ... OF THE ...

**CITY OF CARSON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
CONDITIONS OF APPROVAL
EXHIBIT "B"**

**MODIFICATION NO. 1 TO
CONDITIONAL USE PERMIT NO 992-15 AND
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). **The new, "stealth" facility shall be constructed and in place within three (3) years and 3 months, and the existing facility shall be removed within three (3) years and nine (9) months**, 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.

If the design of the new facility substantially conforms to the mono-pine design shown in Exhibit 2, no further Planning Commission approval of the new facility shall be required pursuant to Carson Municipal Code Section 9138.1 (Communications Facilities), and it shall be subject to approval by the Planning Manager. Applicant shall construct the facility and use reasonable best efforts to complete construction of the new facility on or before three (3) years and three (3) months after the Effective Date, and the removal of the existing facility on or before three (3) years and nine (9) months after the Effective Date.

**The Planning Commission approved CUP No. 992-15 and DOR No. 1621-16 on August 8, 2017. Condition No. 1 above is an abbreviated version of the original that is provided solely for ease of reference in connection with this Modification No. 1. The full Condition No. 1, as originally approved, remains in full force and effect (subject to the modifications reflected above) and is incorporated herein by reference.*

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 **Condition No. 1** 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 **Condition No. 1**, the use and the development approved by this Conditional Use Permit shall terminate three (3) years **and three (3) months** after the granting of such, to expire on ~~August~~ **November 8, 2020**, and the existing tower shall be removed **by May 8, 2021**.
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.



March 22, 2021

Via Electronic Delivery

City of Carson Planning Commission
701 E Carson Street
Carson, CA 90745

*RE: Letter of Justification for Extension
CUP 992-15/DOR 1621-16
17900 South Central Avenue*

To Whom it May Concern:

American Towers LLC (“American Tower”) respectfully requests a six-month extension of time beyond May 8, 2021 concerning CUP 992-15/DOR 1621-16 to complete the project to replace an existing 235-foot lattice tower facility with a 105-foot monopine tower located in the Commercial General (“CG”) zone. American Tower appeared before the Commission on July 28, 2020 and obtained an extension of time to May 8, 2021 for completion of this project. American Tower states the following justifications for granting an extension of time beyond May 8th:

A) American Tower has made substantial steps towards completion of the tower replacement required by CUP 992-15/DOR 1621-16 (hereto attached as **Exhibit 1**) including construction of the 105-foot monopine on August 28, 2020, within the timeframe allowed by the Agreement Accepting Conditions dated July 28, 2020 (hereto attached as **Exhibit 2** including a copy of Resolution 20-2698). Cellular carrier tenants (hereinafter “tenants”) currently operating on the lattice tower were notified the same day of the tower’s status as being ready for tenant installation.

B) American Tower and its tenants are making every effort to complete this project including working closely together to relocate each tenant from the 235-foot lattice tower to the replacement 105-foot monopine so that the lattice tower can be removed. Multiple tenant relocations of this nature require significant coordination and effort between entities. Considerable time must be allowed to transition from one tower to the other so that no interruptions in service occur. On average the process to relocate tenants to a newly built tower takes more than one year to complete.

In summary American Tower respectfully requests that this Commission grant the requested extension of at least six months from May 8, 2021 to allow sufficient time for the



AMERICAN TOWER®
CORPORATION

tenants to relocate and for removal of the lattice tower (proposed schedule outlining these necessary milestones for project completion is hereto attached as **Exhibit 3**).

Enclosed please find a Development Permit Application Packet. Signatures by Verizon Business as the property owner and by our engineer as well as payment for the applicable filing fee are in process and will be supplemented with this filing immediately upon receipt.

Please do not hesitate to reach out to me directly if you have any questions or need anything additional.

Respectfully Yours,

Sarah Snell

Sarah Snell
American Tower Corporation
Real Estate Solutions Project Manager

Attachments: Exhibits 1-3
Development Permit Application Packet



AMERICAN TOWER®
CORPORATION

EXHIBIT 1

CUP Approval Document



City of Carson

August 14, 2017

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

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

Dear Applicant:

The Planning Commission, at its meeting of August 8, 2017, approved your request for the above-mentioned item(s), subject to the conditions in Resolution No. 17-2608. This decision is final pending any appeal under Municipal Code Section 9173.4, which requires that anyone wishing to appeal the Planning Commission's decision must file that appeal within 15 days of the date of the Planning Commission decision.

As indicated in the Resolution, you and the property owner are required to sign the enclosed "Agreement Accepting Conditions" form and return **ONLY** that form to Denise Bothe, Planning Department, within thirty (30) days of the receipt of this letter. Please retain the enclosed resolutions and a copy of the Agreement Accepting Conditions for your records (unless you decide to scan the 1-page document to me at dbothe@carson.ca.us).

If you have any questions concerning the City's procedures or any of the enclosed documents, please feel free to call your planner at (310) 952-1761.

Sincerely,

Denise Bothe, Planning Secretary
Community Development

**AGREEMENT ACCEPTING CONDITIONS
CITY OF CARSON PLANNING COMMISSION**

The Planning Commission, at its meeting of August 8, 2017, approved your request for Design Overlay Review No. 1621-16 and Conditional Use Permit No. 992-15, subject to the conditions in Resolution No. 17-2608. For and in consideration of the grant by the Carson Planning Commission, I (we), the undersigned do(es) hereby agree to all conditions set forth in the Resolution. The Resolution and Conditions of Approval of the discretionary permit(s) govern the use and/or development of the property identified and described below.

Address: 17900 S. Central Avenue, APN 7319-003-809

Description: 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

Applicant: American Towers, LLC, Attn: Jeremy Mudd, 10 Presidential Way, Wobum, MA 01801

Property Owner(s): MCI Telecommunications Corporation, 2400 Glenville Drive, Richardson, TX 75082

This agreement shall run with the land and shall bind upon property owner, its successors and assigns, and any future owners, encumbrancers and their successors or assigns, and shall continue in effect until otherwise released by the authority of the relevant agency of the city of Carson or until such time as the Municipal Code of the City of Carson unconditionally permits the release of this Notice of Agreement.

CITY OF CARSON

By: Denise Bothe
Title: Denise Bothe, Planning Secretary
Date: August 14, 2017

Dated this 21st day of August, 2017
By: Margaret Robinson, Senior Counsel

[Signature]
Applicant (Type or Print)
[Signature]
Applicant (Signature)

Dated this ____ day of _____, 2017
By: _____

Property Owner (Type or Print)

Property Owner (Signature)

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 17-2608

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 (the "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.
- l) Height Major Exception Findings:
 - (1) The tower supports the equipment for three commercial wireless carriers and one carrier that provides point-to-point microwave backhaul. The applicant submitted comparative propagation maps that show drastically reduced service levels for each carrier if the equipment were mounted at the required zone height limit. In addition, the applicant submitted an

explanation point-to-point microwave backhaul is a line-of-sight technology that requires the equipment to be mounted at the current height. Accordingly, the applicant submitted an explanation and supporting engineering data that shows the equipment is technologically necessary for the existing carriers on the tower to provide such services.

- (2) The applicant does not seek a major exception to accommodate the establishment of a collocated facility because the facility is already an established collocated facility. Given that multiple non-collocated facilities would require at least one facility to be at least as tall as the microwave dish antenna, an alternative that involved multiple facilities would be less desirable than a single collocated facility at the current height. Accordingly, the existing collocated facility is more desirable and consistent with the General Plan and applicable zoning code provisions than multiple freestanding facilities.
- (3) The height of the tower is technologically necessary for each existing carrier on the tower to provide its existing services. The applicant provided propagation maps that show the service levels that would be achieved if the antennas were mounted at the maximum height limit as compared to the service levels achieved at the existing mounting configuration. In addition, each carrier requires vertical separation between their respective antennas to avoid interference. To lower the height would crowd the antennas and require a second freestanding structure to maintain service levels and necessary vertical separations, which is less desirable overall when compared to the existing collocated facility.
- (4) The applicant's propagation maps show that the antenna equipment could not be located at the minimum height required without causing a substantial degradation in the ability of each carrier on the tower to provide its respective services. The height of the equipment on the tower relates directly to the antennas' ability to receive and transmit communication signals above the surrounding structures and development. In addition, relocating one or more of the collocated carriers from the tower would require the construction of one or more new facilities to be installed near the same residential uses as the current tower. The obstructions or interference caused by the surrounding development are beyond the applicant's control. Relocation at this time would not be an appropriate option because of the anticipated development on the subject and/or adjacent parcels, and the approval has been conditioned on the applicant's relocation within three years to provide a reasonable time for the potential obstructions outside the applicant's control to be known.
- (5) The visual impacts are negligible because the facility would be redesigned within three years as a stealth facility to accommodate a potential residential redevelopment project on adjacent parcels. Any visual impacts from this approval are temporary in nature. In addition, the

approval requires that the applicant maintain landscape features to mitigate the existing visual impact from the ground-mounted equipment.

- (6) Granting the major exception conforms to the spirit and intent of the zoning code because the facility was lawfully erected prior to July 17, 2003 and the tower supports multiple carriers' equipment that reduces the need for additional wireless facilities to be installed near residential uses and development while also providing the City's residents with advanced wireless services. In addition, this temporary extension of an approval for the existing height will result in better-designed stealth facility that will be in closer conformance with the planned development around the site than it would be if the facility were required to be redesigned now without the benefit of knowing the development plans for the surrounding area.
- (7) Granting the major exception is not materially detrimental to the public welfare or injurious to properties or improvements in the vicinity because the tower already exists and was lawfully constructed prior to the adoption of the City's current zoning regulations. In addition, the tower would be redesigned and camouflaged in three years to blend with the surrounding residential uses and development.

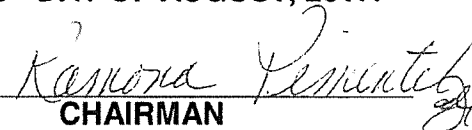
Section 4. The Planning Commission further finds that the use permitted by the proposed Site Plan and Design Review and Conditional Use Permit will not have a significant effect on the environment. The existing facility will not alter the predominantly character of the surrounding area and meets or exceeds 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 16.7 ACRES TRACT IN THE RANGE 34N, 107E IN THE CITY OF
PASADENA COUNTY OF LOS ANGELES STATE OF CALIFORNIA ACQUIRED BY LEASING W. BEHREND, JR.
THE DEGREE OF BEND OF A PORTION OF SAID TRACT IN CASE NO. 1947 OF THE WATER
RIGHTS OF SAID COUNTY & PERTAINING TO SAID SAID DEGREE BEING SET FORTH IN PAGE 114
PAGE 115 OF DEEDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DESCRIBED AS
FOLLOWS:

BEGINNING AT THE NORTHERLY CORNER OF THE LAND AS DESCRIBED IN THE DEED TO THE
CALIFORNIA GAS COMPANY RECORDED FEBRUARY 19, 1917 AS INSTRUMENT NO. 1719 IN BOOK
SHEET PAGE 10 OF RECORDS IN SAID COUNTY WITH THE EASTERLY CORNER OF CENTRAL
AVENUE VARIOUS IN WIDTH AS DESCRIBED IN PAGE 81 OF THE DEED OF THE CITY OF PASADENA
REFERRED ABOVE & 1980 AS DOCUMENT NO. 83-8275 OF PUBLIC RECORDS OF SAID COUNTY;
THENCE ALONG SAID CENTRAL AVENUE NORTH 7 DEGREES 11 MINUTES 47 SECONDS WEST 201.10
FEET; THENCE NORTH 89 DEGREES 19 MINUTES 21 SECONDS EAST 15.00 FEET; THENCE SOUTH
7 DEGREES 11 MINUTES 47 SECONDS EAST 111.00 FEET TO THE NORTHERLY CORNER OF SAID TRACT
ABOVE MENTIONED DEED TO THE CALIFORNIA GAS COMPANY; THENCE ALONG SAID NORTHERLY CORNER
CORNER 7 DEGREES 19 MINUTES 21 SECONDS WEST 15.00 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREIN ALL OIL GAS OILS BITUMEN & SUBSTANCES WATER AND OTHER
MINERAL PRODUCTS WHICH HAVE BEEN OR MAY BE DEPOSITED OR ACCUMULATED IN OR ON
SAID LAND TOGETHER WITH THE RIGHT OF ENTRY FOR SAID DEPTH OF 100 FEET BY MEANS OF
CONVENTIONAL DRILLING FROM OTHER LANDS AT LEVELS AND SPACES TO BE DETERMINED
BY THE OPERATING WATER AND DEEP MINERALS AND THE RIGHT TO USE THE STRATIGRAPHY
BELOW SAID DEPTH OF 100 FEET FOR THE PURPOSE AND SUBSEQUENT REMOVAL OF OIL & GAS
RESERVES AND OTHER MINERAL PRODUCTS AND OTHER PRODUCTS.

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 colocated 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.

Immediately after the expiration of all applicable appeal and/or statute of limitations periods, 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 each of the Conditions of Approval. Such shall secure the faithful performance of Conditions of Approval, unless such requirement is waived by the City Manager. The bond shall contain the original notarized signature of an authorized officer of the surety, and affixed thereto shall be a certified and current copy of his power of attorney. The bond shall be unconditional and remain in force during the entire term of the permit and shall be null and void only if the Applicant faithfully performs all Conditions of Approval. The bond required herein shall be satisfactory only if issued by companies qualified to do business in California, rated "A" or better in the most recent edition of Best Rating Guide, The Key Rating Guide or in the Federal Register, and only if they are of a financial category Class VII or better, unless such requirements are waived by the Risk Manager of the City due to unique circumstances.

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.



AMERICAN TOWER®
CORPORATION

EXHIBIT 2

Agreement Accepting Conditions

&

City of Carson Planning Commission Resolution No. 20-2698

**AGREEMENT ACCEPTING CONDITIONS
CITY OF CARSON PLANNING COMMISSION**

The Planning Commission, at its meeting of July 28, 2020, approved your request for Modification to Design Overlay Review No. 1621-16 and Conditional Use Permit No. 992-15, subject to the conditions in Resolution No. 20-2698. For and in consideration of the grant by the Carson Planning Commission, I (we), the undersigned do(es) hereby agree to all conditions set forth in the Resolution. The Resolution and Conditions of Approval of the discretionary permit(s) govern the use and/or development of the property identified and described below.

Address: 17900 S. Central Avenue, APN 7319-003-809

Description: Consider approval of Modification No. 1 to Site Plan and Design Review 1621-16 and Conditional Use Permit No. 992-15 to allow an additional three months of operation for an existing 235-foot lattice tower-mounted wireless facility. At the meeting it was agreed by all to add another 6 months thereafter to allow for carrier equipment relocation and removal of the old 235-foot structure by May 8, 2021.

Applicant: Inland Valley Construction, c/o American Towers LLC, Attention: Toni Caruso
18382 Slover Avenue, Bloomington, CA 92316

Property Owner(s): MCI Telecommunications Corp, dba: Verizon Business, 17900 S. Central Avenue, Compton, CA 90220-5433

This agreement shall run with the land and shall bind upon property owner, its successors and assigns, and any future owners, encumbrancers and their successors or assigns, and shall continue in effect until otherwise released by the authority of the relevant agency of the city of Carson or until such time as the Municipal Code of the City of Carson unconditionally permits the release of this Notice of Agreement.

CITY OF CARSON

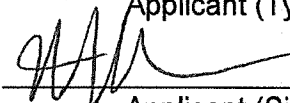
Title: Denise Bothe, Planning Secretary

Date: August 18, 2020

Dated this 26th day of August, 2020

By: Margaret Robinson

Applicant (Type or Print)

, Sr. Counsel
Applicant (Signature)

Dated this 26th day of August, 2020

By: David Hickey

Property Owner (Type or Print)


Property Owner (Signature)

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 20-2698

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF CARSON APPROVING MODIFICATION
NO. 1 TO SITE PLAN AND DESIGN REVIEW 1621-16 AND
CONDITIONAL USE PERMIT NO. 992-15 TO ALLOW AN
ADDITIONAL THREE MONTHS OF OPERATION FOR AN
EXISTING 235-FOOT LATTICE TOWER-MOUNTED
WIRELESS FACILITY AT 17900 SOUTH CENTRAL
AVENUE**

WHEREAS, on July 14, 2020, the Department of Community Development received an application from the applicant, American Towers, LLC, on behalf of MCI Telecommunications Corp, (dba Verizon Business), for real property located at 17900 S. Central Avenue and legally described in Exhibit "A" attached hereto, requesting approval of Modification No. 1 to Design Overlay Review 1621-16 and Conditional Use Permit 992-15 to allow an additional three months of operation for an existing 235-foot lattice tower-mounted wireless facility; and

WHEREAS, studies and investigations were made and a staff report with recommendations was submitted, and the Planning Commission did on the 28th day of July, 2020, conduct a public meeting as required by law to consider said modification request; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Planning Commission finds that the foregoing recitals are true and correct, and are incorporated herein by reference.

SECTION 2. The Planning Commission finds as follows:

- a) The proposed project is consistent with the General Plan of the City of Carson. The project site has a General Plan Land Use designation of General Commercial and the proposal to allow an additional three months of operation for an existing 235-foot lattice tower-mounted wireless facility is compatible with the surrounding uses.
- b) The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development. The additional three months of operation will be a continuation of an existing use and does not include any physical modifications to the facility.
- c) There will be adequate street access and traffic capacity as the additional three months of operation will be a continuation of an existing use and does not include any modifications to access the subject property.
- d) There will be adequate water supply for fire protection. The additional three months of operation will be a continuation of an existing use and does not include any physical modifications to the facility that would require additional water supply for fire protection purposes.

- e) The proposed use and development will be compatible with the intended character of the area. The additional three months of operation will be a continuation of an existing use that has coexisted with the immediate surroundings since 2017.

SECTION 3. Pursuant to Section 15060(c)(2) of the California Environmental Quality Act (CEQA) Guidelines, the proposed Modification No. 1 is not subject to CEQA because the activity will not result in direct or reasonable foreseeable indirect physical change in the environment.

SECTION 4. Design Overlay Review No. 1621-16 and Conditional Use Permit No. 992-16 complies with the City's Zoning Ordinance and General Plan and is consistent with the intent of Article IX, Chapter 1, Section 9172.23 (Site Plan and Design Review) of the Carson Municipal Code.

SECTION 5. The Planning Commission of the City of Carson, pursuant to the findings noted above, does hereby approve Modification No. 1 to allow an additional three months of operation for an existing 235-foot lattice tower-mounted wireless facility at 17900 South Central Avenue, subject to the Conditions of Approval contained in Exhibit "B," attached hereto.

SECTION 6. This decision of the Planning Commission shall become effective and final 15 days after the date of the action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.

SECTION 7. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 28th day of July, 2020.

Ramona Pimentel (COVID signature)
CHAIRPERSON

ATTEST:

Denise Bothe (COVID signature)
SECRETARY

EXHIBIT "A"

Legal Description

[The text in this block is extremely faint and appears to be a series of illegible characters or a scan artifact. It is located at the top of the page, below the section header.]

[This block contains several lines of text that are mostly illegible due to fading. Some words are barely discernible, but the overall content cannot be accurately transcribed.]

[The final block of text at the bottom of the page is also illegible. It appears to be a separate paragraph or a concluding section, but the characters are too light to read.]

**CITY OF CARSON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
CONDITIONS OF APPROVAL
EXHIBIT "B"**

**MODIFICATION NO. 1 TO
CONDITIONAL USE PERMIT NO 992-15 AND
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). **The new, "stealth" facility shall be constructed and in place within three (3) years and 3 months, and the existing facility shall be removed within three (3) years and nine (9) months**, 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.

If the design of the new facility substantially conforms to the mono-pine design shown in Exhibit 2, no further Planning Commission approval of the new facility shall be required pursuant to Carson Municipal Code Section 9138.1 (Communications Facilities), and it shall be subject to approval by the Planning Manager. Applicant shall construct the facility and use reasonable best efforts to complete construction of the new facility on or before three (3) years and three (3) months after the Effective Date, and the removal of the existing facility on or before three (3) years and nine (9) months after the Effective Date.

**The Planning Commission approved CUP No. 992-15 and DOR No. 1621-16 on August 8, 2017. Condition No. 1 above is an abbreviated version of the original that is provided solely for ease of reference in connection with this Modification No. 1. The full Condition No. 1, as originally approved, remains in full force and effect (subject to the modifications reflected above) and is incorporated herein by reference.*

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 **Condition No. 1** 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 **Condition No. 1**, the use and the development approved by this Conditional Use Permit shall terminate three (3) years **and three (3) months** after the granting of such, to expire on ~~August~~ **November 8, 2020**, and the existing tower shall be removed by **May 8, 2021**.
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.



AMERICAN TOWER®
CORPORATION

EXHIBIT 3

Proposed Construction Schedule

Milestone	Forecast Date
Tenant Relocation #1	7/15/2021
Tenant Relocation #2	8/30/2021
Tenant Relocation #3	10/15/2021
Tenant Decommission of Equipment on Legacy Tower	11/15/2021
Removal of Legacy Tower Complete	12/31/2021

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 21-_____

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF CARSON APPROVING MODIFICATION
NO. 2 TO SITE PLAN AND DESIGN REVIEW 1621-16 AND
CONDITIONAL USE PERMIT NO. 992-15 TO ALLOW AN
ADDITIONAL SIX MONTHS FOR REMOVAL OF AN
EXISTING 235-FOOT LATTICE TOWER FACILITY AT
17900 SOUTH CENTRAL AVENUE**

WHEREAS, on March 22, 2021, the Department of Community Development received an application from the applicant, American Towers, LLC, on behalf of MCI Telecommunications Corp, (dba Verizon Business), for real property located at 17900 S. Central Avenue and legally described in Exhibit “A” attached hereto, requesting approval of Modification No. 2 to Design Overlay Review 1621-16 and Conditional Use Permit 992-15 to allow an additional six months for removal of an existing 235-foot lattice tower facility (the “tower”); and

WHEREAS, studies and investigations were made and a staff report with recommendations was submitted, and the Planning Commission did on the 27th day of April, 2020, conduct a public meeting as required by law to consider said modification request; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Planning Commission finds that the foregoing recitals are true and correct, and are incorporated herein by reference.

SECTION 2. The Planning Commission finds as follows:

- a) The proposed project is consistent with the General Plan of the City of Carson. The project site has a General Plan Land Use designation of General Commercial and the proposal to allow an additional six months to remove the tower is compatible with the surrounding uses.
- b) The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development. The additional six months to remove the tower constitutes a continuation of an existing use, extending the removal deadline from May 8, 2021 to November 8, 2021, and does authorize any new use or modification of the tower. The tower is no longer in operation, as all telecommunications facilities have been removed from the tower in preparation for its removal; however, additional time is needed to complete removal of the tower due to the presence of hawks’ nests discovered on the tower.
- c) There will be adequate street access and traffic capacity as the additional six months of existence of the tower will be a continuation of an existing use and does not include any modifications to access the subject property.

- d) There will be adequate water supply for fire protection. The additional six months of existence of the tower will be a continuation of an existing use and does not include any physical modifications to the facility that would require additional water supply for fire protection purposes.
- e) The proposed use and development will be compatible with the intended character of the area. The additional six months of existence of the tower will be a continuation of an existing use that has coexisted with the immediate surroundings since prior to 2017.

SECTION 3. Pursuant to Section 15060(c)(2) of the California Environmental Quality Act (CEQA) Guidelines, the proposed Modification No. 2 is not subject to CEQA because the activity will not result in direct or reasonably foreseeable indirect physical change in the environment.

SECTION 4. Design Overlay Review No. 1621-16 and Conditional Use Permit No. 992-16 complies with the City's Zoning Ordinance and General Plan and is consistent with the intent of Article IX, Chapter 1, Section 9172.23 (Site Plan and Design Review) of the Carson Municipal Code.

SECTION 5. The Planning Commission of the City of Carson, pursuant to the findings noted above, does hereby approve Modification No. 2 to allow an additional six months for removal of an existing 235-foot lattice tower-mounted wireless facility at 17900 South Central Avenue, subject to the Conditions of Approval contained in Exhibit "B," attached hereto.

SECTION 6. This decision of the Planning Commission shall become effective and final 15 days after the date of the action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.

SECTION 7. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 27th day of April, 2021.

CHAIRPERSON

ATTEST:

SECRETARY

EXHIBIT "A"

Legal Description

THAT PORTION OF THE 1/4 SECTION 16, T4S, R10E, S44N, IN THE RANGE 10E, T4S, R10E, S44N, IN THE COUNTY OF...
...SECTION 16, T4S, R10E, S44N, IN THE RANGE 10E, T4S, R10E, S44N, IN THE COUNTY OF...
...SECTION 16, T4S, R10E, S44N, IN THE RANGE 10E, T4S, R10E, S44N, IN THE COUNTY OF...

BEING THE 1/4 SECTION 16, T4S, R10E, S44N, IN THE RANGE 10E, T4S, R10E, S44N, IN THE COUNTY OF...
...SECTION 16, T4S, R10E, S44N, IN THE RANGE 10E, T4S, R10E, S44N, IN THE COUNTY OF...
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BEING THE 1/4 SECTION 16, T4S, R10E, S44N, IN THE RANGE 10E, T4S, R10E, S44N, IN THE COUNTY OF...
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...SECTION 16, T4S, R10E, S44N, IN THE RANGE 10E, T4S, R10E, S44N, IN THE COUNTY OF...

**CITY OF CARSON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
CONDITIONS OF APPROVAL
EXHIBIT "B"**

**MODIFICATION NO. 2 TO
CONDITIONAL USE PERMIT NO 992-15 AND
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). The new, "stealth" facility shall be constructed and in place within three (3) years and 3 months, and the existing facility shall be removed within four (4) years and three (3) months, 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.

If the design of the new facility substantially conforms to the mono-pine design shown in Exhibit 2, no further Planning Commission approval of the new facility shall be required pursuant to Carson Municipal Code Section 9138.1 (Communications Facilities), and it shall be subject to approval by the Planning Manager. Applicant shall construct the facility and use reasonable best efforts to complete construction of the new facility on or before three (3) years and three (3) months after the Effective Date, and the removal of the existing facility on or before four (4) years and three (3) months after the Effective Date.

** The Planning Commission approved CUP No. 992-15 and DOR No. 1621-16 on August 8, 2017, and Modification No. 1 thereto on July 29, 2020. Condition No. 1 as set forth above is an abbreviated version of the condition, and is provided solely for ease of reference in connection with this Modification No. 2. The full Condition No. 1, as originally approved and modified pursuant to Modification No. 1, remains in full force and effect, subject to the modifications reflected above, and is incorporated herein by reference.*

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 schedule prescribed in Condition No. 1 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 schedule prescribed in Condition No. 1, the use and the development approved by this Conditional Use Permit shall terminate four (4) years and three (3) months after the granting of such, to expire on November 8, 2021, 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.