



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

September 20, 2012

## CHAIR AND PLANNING COMMISSIONERS

City of Long Beach

California

### RECOMMENDATION:

Approve a Conditional Use Permit request for the establishment of a new wireless telecommunications facility on the rooftop of a four-story apartment building located at 4205 East Anaheim Street in the Community R-4-N (CCN) zoning district (District 4).

**APPLICANT:** AT&T Mobility  
c/o Tim Miller for Trillium Consulting, Inc.  
5912 Bolsa Ave., Suite 202  
Huntington Beach, CA 92649  
(Application No. 1111-02)

### DISCUSSION

The proposed project is located on the north side of Anaheim Street between Termino Avenue on the west and Bennett Avenue on the east (Exhibit A – Location Map). The site is in the Community R-4-N (CCN) zoning district, on an 11,520-square-foot lot, which is improved with a four-story multifamily apartment building.

The applicant, AT&T Mobility, requests to construct a new roof-mounted wireless telecommunications facility consisting of three arrays of four antennas each, all located in a single 20- by 12-foot screening enclosure at the rear of the building's rooftop (Exhibit B – Plans and Photo-simulations). The base station equipment is proposed to be located in a laundry utility room on the building's top floor, rather than the rooftop, due to structural requirements. Currently no wireless site is present on the building, making this one of the first all-new wireless sites to be requested under the City's July 2011 wireless telecom Ordinance.

One of the most important requirements of the new wireless Ordinance is the "five-year build-out plan" that requires the applicant to provide a master plan for site development with as much detail as possible (Exhibit C – Five-year Build-out Plan). This master plan then allows future modifications to the site to be processed administratively, as long as such modifications are within the scope of the master plan. AT&T has provided a five-year plan that essentially consists of a statement that the AT&T site is not projected to be

significantly expanded or modified in the next five years. In effect, this will cause any future AT&T projects at this site, including those in the next five years, to be subject to the normal planning entitlement process, rather than administrative review and approval.

Another major requirement of the new wireless Ordinance is that all new sites must be designed to allow co-location by other wireless carriers to the greatest extent possible. The goal of this requirement is to achieve single, unified, architecturally compatible and harmonious screening enclosures capable of accommodating future co-locations by one or more carriers without the need for any further visible changes or disruptions to the building. In this case, due to the building's roof configuration of numerous different roof decks at different levels, AT&T has not been able to design their screening enclosure to be of a size that would allow co-location by another wireless carrier.

AT&T has submitted a 5-year plan that indicates the proposed screening area will meet all of AT&T's foreseeable needs for the future. AT&T also has identified two other rooftop locations that may be suitable for other carriers to co-locate upon; however, these areas are outside of AT&T's screening area, and these areas may have structural issues preventing location of either antennas, or equipment cabinets, or both. One of the major goals of the new Ordinance's co-location requirement is to prevent a proliferation of mismatched, piecemealed rooftop screening devices. Staff has concerns that this may occur on this site in the future, if other carriers co-locate in the manner indicated by AT&T. For these reasons, staff recommends that the Planning Commission include a condition of approval requiring AT&T to submit (but not construct) an expanded rooftop screening plan that could be implemented upon co-location of another carrier. This rooftop screening plan should enclose all carrier's antenna arrays within a unified screening device, and not allow screening areas to proliferate across the rooftop.

Also, the proposed screening device, as designed, slightly exceeds the height limit of 10 feet above the building's roof deck. Staff recommends that Planning Commission attach a condition of approval to correct this (Exhibit D – Findings and Conditions of Approval).

### **PUBLIC HEARING NOTICE**

Public hearing notices were distributed on September 4, 2012, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. At the time of writing of this report, staff has received no public inquiries on this project.

**ENVIRONMENTAL REVIEW**

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption was issued for the proposed project (Exhibit E – CE-11-079).

Respectfully submitted,



DEREK BURNHAM  
PLANNING ADMINISTRATOR

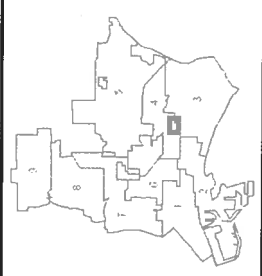


AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

AJB:DB:SK

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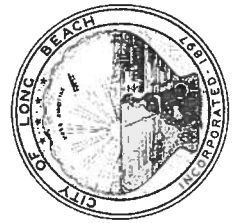
Attachments:           Exhibit A – Location Map  
                                  Exhibit B – Plans and Photos  
                                  Exhibit C – Five-year Build-out Plan  
                                  Exhibit D – Findings and Conditions of Approval  
                                  Exhibit E – Categorical Exemption CE-11-079



# Exhibit A



**Subject Property:**  
**4205 E Anaheim St**  
**Application No. 1111-02**  
**Council District 4**  
**Zoning Code : CCN**

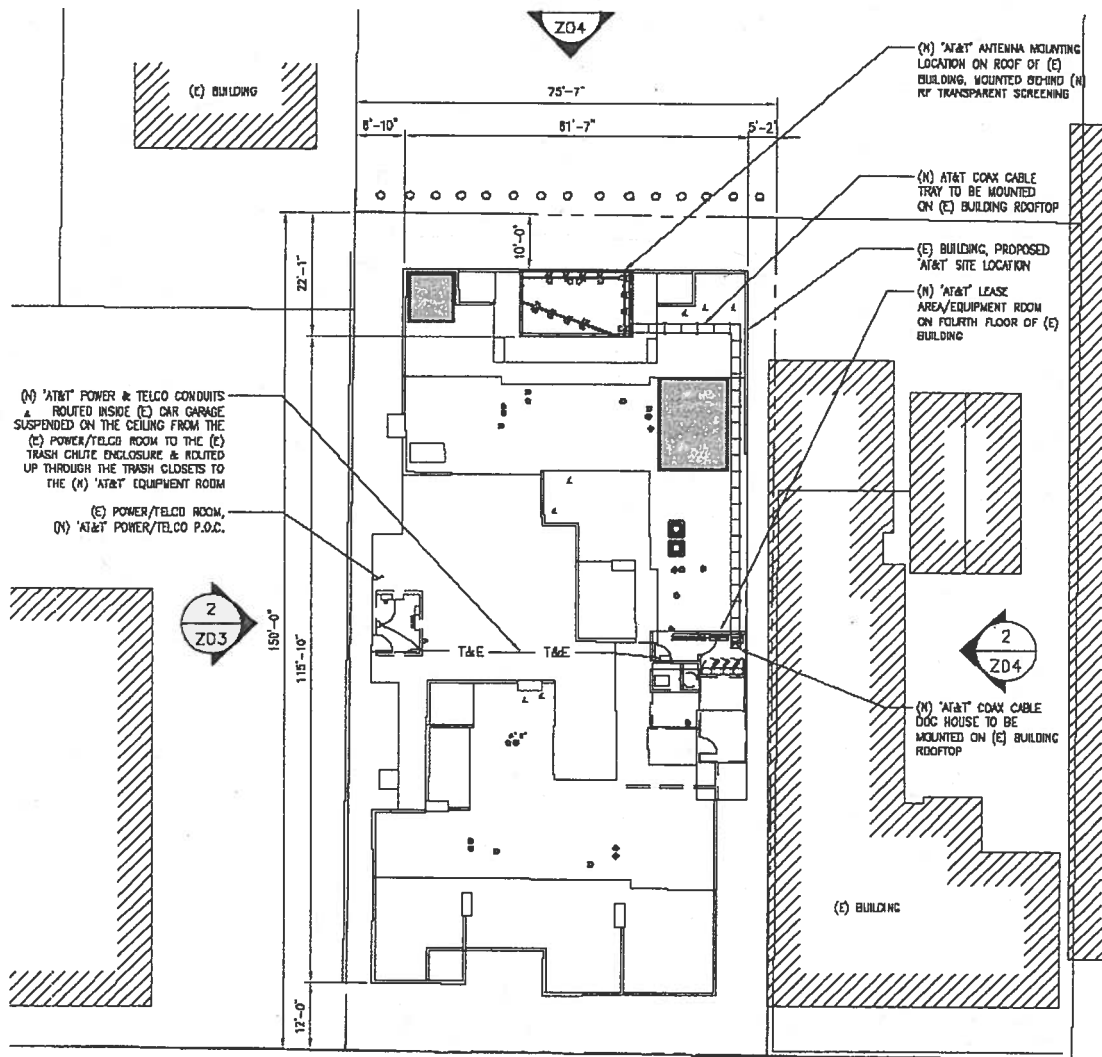


# AT&T – 5 Year Build Out Plan [LA0562]

# EXHIBIT C

As part of the City's Wireless Ordinance, a five-year build out plan is required to accommodate future carriers' antennas. AT&T does not, and cannot, preclude other carriers from locating on rooftops where they operate existing wireless facilities. The code requires that the applicant design its facility in such a manner as to maximize the potential for future co-location and to minimize interference with a future carrier's signal propagation. However, it is difficult for AT&T to provide accurate information regarding its competitors' future network site construction plans given the rapid pace of technological developments and the fact that network architecture is closely-held, proprietary information. AT&T can provide possible locations a carrier could utilize for the placement of their antennas. Although these proposed locations are currently available, an in-depth analysis will be required by any carrier to determine if they are feasible in terms of the buildings' structural capacity to hold the additional weight, the ability to meet coverage objectives from these locations, and the costs of leasing, constructing and maintaining the facility.

Below are two possible locations (marked by red rectangles filled in with blue) for another carrier's antennas. If these locations prove feasible for a future carrier based on the previously mentioned criteria, AT&T's screen walls can be extended to incorporate the new project at that time.



## AT&T – 5 Year Build Out Plan [LA0562]

## EXHIBIT C

AT&T is proposing to locate their support equipment inside a room on the top floor rather than on the roof of the subject building due to the weight of the equipment. It is safe to assume that a future carrier will have the same issue for their equipment unless significant structural modifications are made to the roof. There are no ground level locations on the property for the proposed equipment as it would require a variance to remove required parking stalls in the garage or removal of existing landscaping to the north side of the building.

**CONDITIONAL USE PERMIT FINDINGS**

4205 E. Anaheim St.  
Application No. 1111-02  
September 20, 2012

Pursuant to Section 21.25.206 of the Long Beach Municipal Code, a Conditional Use Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Regulations. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

- 1. THE APPROVAL IS CONSISTENT WITH AND CARRIES OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;**

Positive Finding: The project site is located in Land Use District #8M—Mixed Office/Residential Strip District. LUD #8M does not address the need for wireless telecommunications facilities; however, the Conditional Use Permit process exists for commercial uses needing an additional level of review to ensure they do not cause adverse impacts to nearby uses. The proposed project is consistent with the intent of this LUD, as it has been designed to lessen the negative visual impacts created by the existing wireless facility. The project is not located in the Coastal Zone and no specific plans apply to this location. The project site is located in the CCN zoning district. Freestanding/monopole wireless installations are allowed in this zone through the Conditional Use Permit process, subject to the Special Conditions enumerated in Section 21.52.210 of the Municipal Code. Approval of this project would be consistent with the General Plan and the Zoning Regulations.

- 2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY, GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND**

Positive Finding: The proposed use will not be detrimental to the surrounding community. The site will be required to comply with the regulations and development standards of the Federal Communications Commission (FCC), and the United States standards for radio emissions set by the American National Standards Institute (ANSI). Furthermore, this project will not have a negative visual impact upon the surrounding area. The proposed facility will be concealed within a rooftop screening enclosure extending no more than 10 feet above the height of the roof deck, and less than 10 feet above the height of the parapet wall. No public health, safety, general welfare, environmental quality, or quality of life impacts are foreseen for this project.

**3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52.**

The special conditions specified in Chapter 21.52 for personal communication services have been replaced with new findings for wireless telecommunications facilities, enumerated in Section 21.56.150.G, as follows:

**A. The proposed Wireless Telecommunications Facility has been designed to achieve compatibility with the community to the maximum extent reasonably feasible.**

Positive Finding: The proposed facility is designed to be enclosed within a rooftop screening device that will be constructed and finished to match the architecture of the existing building. Further, it is located at the very rear of the subject building's roof, so its visibility and prominence from Anaheim Street will be reduced, although it will still be visible from several angles.

**B. An alternative configuration will not increase community compatibility or is not reasonably feasible.**

Positive Finding: The proposed configuration is the most compatible installation that is reasonable feasible. An alternative configuration will not increase community compatibility. The rooftop enclosure is proposed to be located at the rear of the roof, away from the street, and the screening device will be designed to blend with the architecture of the existing apartment building.

**C. The location of the Wireless Telecommunications Facility on alternative sites will not increase community compatibility or is not reasonably feasible.**

Positive Finding: Staff does not believe that location of this facility on a nearby alternative site would increase community compatibility. The four-story apartment building, with its easily adaptable architecture, is a good candidate for installation of a community-compatible roof-mounted wireless facility. The applicant considered a list of alternative sites and found them not to be feasible as well.



- D. The proposed facility is necessary to close a significant gap in coverage, increase network capacity, or maintain service quality, and is the least intrusive means of doing so.**

Positive Finding: The applicant has provided coverage data, and a list and map of the applicant's facilities in Long Beach, to demonstrate the necessity of constructing this site in this general location. Another method of construction (pole-mounted) would not be less intrusive.

- E. The applicant has submitted a statement of its willingness to allow other wireless services providers to co-locate on the proposed Wireless Telecommunications Facility wherever technically and economically feasible and where co-location would not harm community compatibility.**

Positive Finding: The applicant has submitted the statement as required. Additionally, conditions of approval #5 and #6 make specific requirements to ensure that this site will be developed in a manner that can accommodate future co-location.

- F. Noise generated by equipment will not be excessive, annoying, or be detrimental to the public health, safety, and welfare.**

The facility will not consist of any equipment that will cause significant noise detrimental to the public health, safety, or welfare. The facility will, in any case, be required to comply with the City's Noise Ordinance, Chapter 8.80 of the Long Beach Municipal Code.

## **CONDITIONS OF APPROVAL**

**4205 E. Anaheim St.**

**Application No. 1111-02**

**September 20, 2012**

### **Special Conditions:**

1. The use permitted on the subject site, in addition to the other uses permitted in the CCN zoning district, shall be the use and operation of a wireless telecommunications facility mounted on the rooftop of a four-story apartment building, with 12 panel antennas in 3 sectors of 4 antennas each, and accessory base station equipment located in a laundry/utility room inside the building.
2. All antennas shall be fully concealed behind the approved screening device, including GPS antennas, and any future antennas added by the applicant carrier or other carriers, except as modified by future planning permit approvals.
3. The rooftop screening device shall have a maximum height of 10 feet above the height of the roof deck. Plans shall be revised as necessary to meet this requirement.
4. A 10-year review shall be completed for this subject wireless site not later than September 20, 2022, 10 years from the date of final action of this permit.
5. The applicant shall submit an expanded rooftop screening plan, showing an enlarged screening area large enough to accommodate co-location by at least one additional wireless carrier. The applicant shall not be required to build this expanded screening area upon approval of this permit, but may be required to build it, or cooperate in the building of it, or assent to the building of it, at a later date upon any request for co-location by another wireless carrier. The applicant shall make best efforts to design this plan so as to accommodate all co-location facilities' antenna arrays within the same screening device as the applicant's antenna arrays.
6. In addition to the above requirement for the screening device, the applicant also may be required at a future date to move, adjust, or modify the applicant's antennas, arrays, cable runs, and other rooftop equipment, or provide for or assent to the same to be carried out by others, to the extent reasonably necessary to accommodate or facilitate co-location by another wireless carrier within the same screening enclosure.
7. The approved screening device shall be painted, textured, and finished to match the architecture of the existing building to the satisfaction of the Director of Development Services.

**Standard Wireless Telecommunications Conditions:**

8. No new cable trays or utility equipment associated with the proposed installation shall be visible from any public right-of-way. All appurtenant equipment shall be appropriately screened, and the screening shall be subject to the approval of the Director of Development Services prior to the issuance of a building permit.
9. Prior to issuance of a building permit, the City Telecommunications Bureau shall determine that the new cellular or personal communications services will not interfere with any City communication system. Approval by the City Telecommunications Bureau shall be provided to the Planning Bureau prior to the issuance of a building permit.
10. The operator shall obtain a City of Long Beach Business License for the telecommunications site at the conclusion of the Planning Final Inspection.
11. Each new cellular or personal communication station will be subject to a ten (10) year review by the Staff Site Plan Review Committee. The review will determine whether or not the originally approved number of antennas and design are still appropriate and necessary to provide adequate communication service. This review shall also evaluate the visual and aesthetic condition of the site. The site operator shall be required to make visual or aesthetic improvements to the satisfaction of the Director of Development Services.
12. The use shall not adversely affect the health, peace, or safety of persons residing or working on the premises or in the surrounding area.
13. Prior to issuance of a building permit, the applicant shall provide to the Planning Bureau contact information for the party or parties responsible for maintenance of the approved wireless facility in the event that it becomes discolored, deformed, damaged or dilapidated. Upon notification by the Department of Development Services or its designee that said facility has become discolored, deformed, damaged or dilapidated, the responsible party shall commence all necessary repairs and renovations within 72 hours of notification.
14. If any wireless operator seeks a modification or new approval of any wireless facility on this property, all wireless installations on this property, including those owned or operated by other carriers, shall be evaluated for co-location and visual improvement opportunities, to the satisfaction of the Director of Development Services.
15. The addition or replacement of any antennas, equipment cabinets, cable runs, screening, or any other materials not specifically identified on plans approved by the Department of Development Services shall require a new application for the appropriate planning permit.

16. Should use of the wireless facility and appurtenant equipment cease, they shall be removed to the satisfaction of the Director of Development Services within 90 days of discontinuance of use.
17. If antennas are not screened completely by a visually solid wall, the attachment structure to which each panel antenna is affixed (typically, but not limited to, a metal pipe) shall not extend above or below the panel antenna and shall not be outwardly visible. At positions in antenna arrays where no panel antennas are installed, these attachment structures (metal pipes, etc.) shall not be installed onto the larger array support structure. The purpose of this requirement is to prevent the negative visual impact created by unnecessary structures in the antenna arrays.
18. For roof- or building-mounted wireless facilities, all rooftop and penthouse areas shall be secured to prevent access by unauthorized persons.

**Standard Conditions – Plans, Permits, and Construction:**

19. Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval, to the satisfaction of the Director of Development Services.
20. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
21. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.
22. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Furthermore, these devices shall be screened by landscaping or another screening method approved by the Director of Development Services.
23. The Director of Development Services is authorized to approve minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change or alter the approved project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.

24. All rooftop mechanical equipment shall be fully screened from public view. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment screening plan must be submitted for approval by the Director of Development Services prior to the issuance of a building permit.
25. Upon plan approval and prior to issuance of a building permit, the applicant shall submit a reduced-size set of final construction plans for the project file.
26. A permit from the Department of Public Works shall be required for any work to be performed in or over the public right-of-way.
27. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
28. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for review and approval prior to the issuance of a building permit.
29. Prior to the issuance of a building permit, the applicant shall submit architectural, landscaping and lighting drawings for the review and approval of the Police Department for their determination of compliance with Police Department security recommendations.
30. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
31. Site development, including landscaping, shall conform to the approved plans on file with the Department of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
32. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
33. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
  - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
  - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
  - c. Sundays: not allowed

**Standard Conditions – General:**

34. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
35. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).
36. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
37. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
38. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
39. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
40. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.
41. Any graffiti found on site must be removed within 24 hours of its appearance.

42. Any off-site improvements found to be damaged as a result of construction activities related to this project shall be replaced to the satisfaction of the Director of Public Works.
43. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
44. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.



# CITY OF LONG BEACH NOTICE OF EXEMPTION

Long Beach Development Services  
333 W. Ocean Blvd., 5<sup>th</sup> Floor, Long Beach, CA 90802  
Information: (562) 570-6194 Fax: (562) 570-6068  
www.longbeach.gov/plan

## EXHIBIT E

TO:  Office of Planning & Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

FROM: Long Beach Development Services  
333 W. Ocean Blvd, 5<sup>th</sup> Floor  
Long Beach, CA 90802

L.A. County Clerk  
Environmental Fillings  
12400 E. Imperial Hwy. 2<sup>nd</sup> Floor, Room 2001  
Norwalk, CA 90650

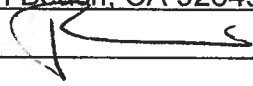
Project Location/Address: 4205 East Anaheim Street

Project/Activity Description: Installation of an unmanned wireless telecommunications facility on the roof of an existing building. Equipment cabinets will be located in a room inside the building.

Public Agency Approving Project: **City of Long Beach, Los Angeles County, California**

Applicant Name: Trillium Consulting for AT&T Mobility (Tim Miller from Trillium Consulting)

Mailing Address: 5912 Bolsa Avenue, Suite 202, Huntington Beach, CA 92649

Phone Number: 714-799-2000 x314 Applicant Signature: 

(TO BE COMPLETED BY CITY STAFF ONLY)

Case Number: 1111-02

Planner's Initials: IB

Required Permits: CUP

THE ABOVE PROJECT HAD BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION \_\_\_\_\_

CLASS 1 15301

Statement of support for this finding: \_\_\_\_\_

NO CHANGE IN USE.

Contact Person: IRA BROWN

Contact Phone: IRA BROWN

Signature: 

Date: 11-2-11