



Legislation Text

File #: 12-0994, **Version:** 1

Recommendation to receive supporting documentation into the record, conclude the hearing, reject the appeal by Kirt Ramirez, and uphold the Planning Commission's decision to approve a Conditional Use Permit (Application No. 1111-02) for the installation of an AT&T wireless telecommunications facility on the rear of the rooftop of a four-story apartment building located at 4205 East Anaheim Street. (District 4)

On September 20, 2012, the Planning Commission approved a Conditional Use Permit for the installation of a new AT&T wireless telecommunications facility ("cell site") located at the rear of the building rooftop of a four-story apartment building at 4205 East Anaheim Street, in the Community Commercial (CCN) zoning district (Exhibit A - Location Map). This approval was appealed on October 1, 2012, by Kirt Ramirez, a third party (Exhibit B - Appeal). Staff recommends that the City Council deny the appeal and uphold the Planning Commission's decision.

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' x 12' screening enclosure at the rear of the building's rooftop (Exhibit C - 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 D - 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 five-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 recommended, and the Planning Commission approved, 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 carriers' 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 recommended and the Planning Commission approved a condition of approval to correct this (Exhibit E - Findings and Conditions of Approval).

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

This matter was reviewed by Assistant City Attorney Michael Mais on November 5, 2012, and by Budget Management Officer Victoria Bell on November 1, 2012.

The Zoning Regulations require that an appeal be heard within 60 days of its receipt. In order to comply with this requirement, the item must be heard prior to December 1, 2012.

There is no fiscal or local job impact associated with this request.

Approve recommendation.

AMY BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST
CITY MANAGER