REQUEST FOR
Planning Commission Action

PLANNING COMMISSION MEETING DATE:

DECEMBER 14, 2020

TITLE:

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. 2020-19 AND VARIANCE NO. 2020-04 TO ALLOW THE CONSTRUCTION OF AN 80-FOOT TALL MAJOR WIRELESS COMMUNICATIONS FACILITY LOCATED AT 4111 SOUTH MAIN STREET

PLANNING COMMISSION SECRETARY

APPROVED
- ☐ As Recommended
- ☐ As Amended
- ☐ Set Public Hearing For _____

DENIED
- ☐ Applicant's Request
- ☐ Staff Recommendation

CONTINUED TO _____

Prepared by Fernanda Arias

Executive Director

Planning Manager

RECOMMENDED ACTION

1. Adopt a resolution approving Conditional Use Permit No. 2020-19 as conditioned.
2. Adopt a resolution denying Variance No. 2020-04.

Project Owner and Applicant Information

3. Property Owner: Southern California Edison
4. Applicant: Tyler Kent with Smartlink, representing AT&T

Executive Summary

The applicant is requesting approval of Conditional Use Permit (CUP) No. 2020-19 and Variance No. 2020-04 to allow the construction of a new 80-foot high major wireless communications facility disguised as a mono-eucalyptus at 4111 South Main Street. Pursuant to Section 41-198.3(b) of the Santa Ana Municipal Code (SAMC), major wireless communications facilities require approval of a CUP. In addition, the applicant is requesting approval of a variance to allow a maximum height of 80 feet, which exceeds the maximum height of 60 feet for a wireless communication facility pursuant to SAMC Section 41-198.9. Staff is recommending approval of CUP No. 2020-19 as conditioned in order to enhance cellular coverage in the area. However, staff is recommending denial of Variance No. 2020-04 due to aesthetic impacts and visual intrusion into surrounding neighborhoods.

Table 1: Project and Location Information

Item	Information		
Project Address	4111 South Main Street		
Nearest Intersection	Sunflower Avenue and Main Street		
General Plan Designation	Industrial (IND)		
Zoning Designation	General Commercial (C2)		
Surrounding Land Uses	North	SCE Substation	
	East	55 Freeway/City of Irvine	
	South	Retail/Commercial	
	West	Undeveloped lot/City of Costa Mesa	
Property Size	1.6 acres		
Existing Site Development	The subject site is developed with a Southern California Edison Substation.		
Use Permissions	Allowed with a conditional use permit (CUP)		
Zoning Code Sections Affected	Use	SAMC Section 41-198.3(b)	
	Maximum Height	SAMC Section 41-198 .9	

Project Description

The applicant is requesting approval of a CUP and a variance to allow the construction of a new 80-foot-high wireless communications facility disguised as a eucalyptus tree ("mono-eucalyptus"). The wireless facility consists of 12 panel antennas mounted at the height of 78 feet on the mono-eucalyptus and associated ground equipment. The facility is proposed to be located at the southeast corner of the subject site within a 1,722-square foot area enclosed by an eight-foot high block wall and chain link fence with wood slats (Exhibit 6). The facility will fill a gap in AT&T coverage in the area.

Table 2: Development Standards

Standards	Required by SAMC	Provided
Screening Criteria	A stealth facility	Complies: mono-eucalyptus.
Site Selection	Areas that will minimize aesthetic intrusion	**Does not comply**; while the facility was designed as a mono-eucalyptus to reduce the visual impact, due to the lack of trees and buildings similar in height, the facility visually intrudes into adjacent view corridors.
Height Criteria	Not to exceed 60 feet in height from ground level as measured from the nearest street curb	**Does not comply**; 80 feet in height.
Landscaping	Groundcover at the base of the facility and 24-inch box tree	**Does not comply**; no proposed landscaping.
Equipment Screening	Decorative fencing such as wrought iron or block around the wireless facility	**Does not comply**; the project only proposes an 8-foot tall block wall on the west and north elevations, and a chain link fence with wooden slats on the east elevation.

Project Background

The subject site is a Southern California Edison substation. The site is a 1.6-acre parcel located on the east side of Main Street southeast of Sunflower Avenue.

In October 2018, the applicant submitted a development project application to the City for the construction of the proposed major wireless communication facility. Staff provided comments in December 2018. The applicant resubmitted plans to address staff's comments in July of 2019. Staff provided comments again in August 2019. The applicant made a last submittal to address staff's comments in February of 2020. Since then, the applicant has worked with the City's Development Review Committee (DRC) in an attempt to comply with development requirements and standards.

Project Analysis

Conditional Use Permit (Proposed Mono-Eucalyptus)

CUP requests are governed by Section 41-638 of the SAMC. CUPs may be granted when it can be shown that the proposed project will not adversely impact the community. If these findings can be made, then it is appropriate to grant the CUP. Conversely, the inability to make these findings would result in a denial.

In July 1998, the City Council adopted Ordinance No. NS-2356, which established regulations for wireless communication facilities throughout the City. Major wireless communication facilities such as the proposed facility are required to have a stealth design and be located in an area that provides the greatest amount of visual screening. Furthermore, these major facilities require the approval of a CUP by the Planning Commission. In analyzing the request, staff believes that the following analysis warrants staff's recommendation for approval of the conditional use permit with conditions.

The proposed wireless communication facility's equipment and mono-eucalyptus are located at the rear of the subject property and away from sensitive land uses. The nearest residential community is 230 feet from the proposed project. The facility will provide coverage and call capacity to an area surrounded by commercial and office uses. The applicant has provided propagation maps (Exhibit 9) that show a gap in coverage in the area, with this proposed facility reducing this coverage gap. This location is optimal to provide the coverage necessary for existing and expanding service for the provider. The proposed facility, as conditioned, will provide a benefit to Santa Ana residents, businesses and motorists who subscribe to mobile phone services by providing cellular and data capacity in the area. It will be in compliance with Federal law that governs health related issues for wireless facilities, including safety regulations from the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA). In addition, the facility will be constructed to comply with the Importance Factor of 1.5 in the Building Code to be able to sustain an earthquake and be operational during such disaster.

Variance (Proposed 80-Foot Height)

Pursuant to Section 41-632 (a) (2) of the SAMC, the Planning Commission may grant a variance from certain development standards, including height, when it can be shown that there exists a special circumstance related to the property, if it is necessary for the preservation and enjoyment of one or more substantial property rights, if it will not be materially detrimental to the public welfare or injurious to surrounding property, and if it will not adversely affect the General Plan of the City. Staff has prepared the following analysis that forms the basis for the denial recommendation of the variance.

The primary consideration when evaluating wireless communication facilities is the visual and aesthetic intrusion on the surrounding neighborhood. The project consists of a mono-eucalyptus proposed at a height of 80 feet in lieu of the maximum height of 60 feet pursuant to SAMC Section 41-198.9. Although designed as a faux eucalyptus tree to blend in with existing trees, the 80-foot high mono-eucalyptus is significantly taller than surrounding trees and commercial buildings, which will result in a higher visual impact for the view corridor of the 55 Freeway and surrounding uses (Exhibit 7). Additionally, the applicant proposes to remove multiple existing mature trees to accommodate the construction and maintenance of the facility, which would increase the visibility of the mono-eucalyptus.

Staff discussed with the applicant alternative designs and a height reduction to eliminate visual impact in the neighborhood. Planning staff has previously approved variances for 80-foot tall wireless facilities that offer co-locations. Moreover, there are antennas mounted on a transmission pole located across the 55 Freeway and there are other structures and parking garages near the proposed project that were identified for potential roof top installations and co-locations (Exhibit 8), but the designs and locations did not meet the applicant's needs. The applicant conducted a site analysis providing reasons for their site selection and height (Exhibits 9 and 10). Furthermore, propagation maps (Exhibit 9) provided by the applicant show a gap in coverage in the area, with this proposed facility reducing the coverage gap. The propagation maps show the coverage area for a wireless facility in the same location proposed at heights of 60 feet and 80 feet. Based on the information provided on the propagation maps, the facility at the height of 60 feet appears to fill the gap in the desired areas.

Based upon the proposed design of the facility and the necessity to reduce the coverage gap, staff recommends approval of the CUP with conditions to include limiting the height of the facility to 60 feet, replacing chain link fencing with landscaping and block walls, and the replacement of landscaping and mature trees at similar heights of existing trees at a 1:1 ratio.

The use will comply with all provisions pertaining to the construction and installation of wireless facilities identified in Chapter 41 (Zoning Code) of the SAMC. The facility, as conditioned, will meet all height, location/zoning, and stealthing standards. The facility, as conditioned, will not adversely affect the General Plan as cellular facilities that are designed to be compatible with the surrounding environment are consistent with the goals and objectives of the Land Use Element.

Table 3: California Environmental Quality Act (CEQA) and Public Notification & Community Outreach

CEQA and Public Notification & Community Outreach	
CEQA	
CEQA Type	Categorically Exempt per Section 15303 (Class 3 – New Construction or Conversion of Small Structures)
Document Type	Notice of Exemption, Environmental Review No. 2018-117
Reason(s) Exempt or Analysis	Class 3 exemption consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. The project consists of the construction of a new wireless communications facility and minor site improvements.
Public Notification & Community Outreach	
Required Measures	A public notice was posted on the project site on December 3, 2020.
	Notification by mail was mailed to all property owners and occupants within 500 feet of the project site on December 3, 2020.
	Newspaper posting was published in the Orange County Reporter on December 3, 2020.

Conclusion

Based on the analysis provided within this report, staff recommends that the Planning Commission approve Conditional Use Permit No. 2020-19 as conditioned and deny Variance No. 2020-04.

Fernanda Arias
Planning Intern

FA:S:\Planning Commission\2020\12-14-2020\CUP No. 2020-19 - New Wireless Facility at 4111 S Main St\CUP No. 2020-19.pc.docx

Exhibits:
1 – Resolution for CUP No. 2020-19
2 – Resolution for VAR No. 2020-4
3 – Vicinity Zoning & Aerial View
4 – Site Photos
5 – Site Plan & Enlarged Site Plan
6 – Elevations
7 – Photo Simulations
8 – Colocation and Roof Mounted Examples
9 – Height Justification and Propagation Maps
10 – Alternative Site Analysis

EXHIBIT 1

1 - 6

RESOLUTION NO. 2020-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2020-19 AS CONDITIONED TO ALLOW THE CONSTRUCTION OF A NEW 60-FOOT TALL MAJOR WIRELESS COMMUNICATIONS FACILITY LOCATED AT 4111 SOUTH MAIN STREET

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The Planning Commission of the City of Santa Ana hereby finds, determines and declares as follows:

A. Tyler Kent with Smartlink LLC, representing AT&T ("Applicant"), is requesting approval of Conditional Use Permit ("CUP") No. 2020-19 to allow the construction of a new 80-foot tall major wireless ("mono-pine") communications facility at 4111 South Main Street.

B. Pursuant to Santa Ana Municipal Code ("SAMC") Section 41-198.9, no major wireless communication facility shall exceed sixty (60) feet in height from ground level as measured from the nearest street curb.

C. Applicant is also requesting concurrent approval of Variance No. 2020-04 to allow relief from the maximum 60-foot height requirement. However, due to aesthetic impacts and visual intrusion into surrounding neighborhoods, staff is recommending separate denial of said application.

D. The Project has been conditioned to be constructed at the maximum height of sixty (60) feet.

E. The Planning Commission of the City of Santa Ana has considered the information and determines that the following findings, which must be established in order to grant CUP No. 2020-19 to allow the construction of a 60-foot tall major wireless communications facility, have been established as required per SAMC Section 41-638:

1. That the proposed use will provide a service or facility which will contribute to the general well-being of the neighborhood or the community.

The project will provide a service that will contribute to the community. The proposed mono-pine will provide a needed service to Santa Ana residents, businesses, and motorists

who subscribe to AT&T wireless services by reducing the gaps in cellular service and providing additional calling capacity for its users in Santa Ana.

2. That the proposed use under the circumstances of the particular case will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

   The proposed wireless facility at this location will not be detrimental to persons residing or working in the area as the proposed facility will be in compliance with Federal laws that govern health related issues for wireless facilities, including safety regulations from the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA). Moreover, the nearest residential use is located over 230 linear feet from the site, further reducing any potential for impacts.

3. That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

   The proposed mono-pine, at 60-feet tall, will be compatible with the surrounding area and will not adversely affect the economic viability in the area. The stealth appearance and site enhancements will maintain and increase the economic stability for this commercial corridor by providing an additional service for business owners, workers and residents in the area. Further, the stealth appearance and the chosen location of the facility will help blend in with existing mature trees found on adjacent properties. Finally, the facility has been designed to allow future co-location for additional carriers, which minimizes the need for additional towers in the area in the future.

4. That the proposed use shall comply with the regulations and conditions specified in Chapter 41 for such use.

   The use will comply with all provisions pertaining to the construction and installation of wireless facilities identified in Chapter 41 (Zoning Code) of the Santa Ana Municipal Code. In addition, the proposed facility will be built with an Importance Factor of 1.5 in an effort to remain operational in the event of a large earthquake. The proposed facility will be stealthed as a pine tree, will provide an equipment enclosure and will comply with other standards outlined in the SAMC.

5. That the proposed use will not adversely affect the General Plan or any specific plan of the City.

The proposed 60-foot high mono-pine will not adversely affect the General Plan as cellular facilities that are designed to be compatible with the surrounding environment are consistent with the goals and objectives of the Land Use Element. Goal 1 promotes a balance of land uses to address community needs, which includes means of communication that will be served by the proposed mono-pine. In addition, Goals 3 and 5 require preservation of neighborhood character and integrity as well as the mitigation of impacts from developments. The proposed mono-pine is designed to minimize visual impact on the area by implementing stealth design. Further, Policy 2.2 encourages land uses that accommodate the City's needs for services. Enhancing a cell phone provider's coverage in the area enhances services that are readily available for business owners, workers and residents in the immediate vicinity.

Section 2. In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15303 (Class 3 – New Construction or Conversion of Small Structures). The Class 3 exemption consists of construction and location of limited numbers of new, small facilities or structures. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units. In addition, this exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. The project consists of the construction of a major wireless communications facility and site improvements, all necessary public services and facilities are available, and it is not being built in an environmentally sensitive area. Based on this analysis, a Notice of Exemption for Environmental Review No. 2019-88 will be filed for this project.

Section 3. The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and other proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively "Actions"), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the

City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

Section 4. The Planning Commission of the City of Santa Ana after conducting the public hearing hereby approves Conditional Use Permit No. 2020-19, as conditioned in Exhibit A, attached hereto and incorporated herein. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: the Request for Planning Commission Action dated December 14, 2020, and exhibits attached thereto; and the public testimony, all of which are incorporated herein by this reference.

ADOPTED this 14th day of December, 2020 by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSENT:	Commissioners:
ABSTENTIONS:	Commissioners:

_____
Mark McLoughlin
Chairperson

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By:_____
Lisa E. Storck
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2020-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on December 14, 2020.

Date: _____ _____

Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2020-19

Conditional Use Permit No. 2020-19 is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code and all other applicable regulations.

The Applicant must comply in full with each and every condition listed below prior to exercising the rights conferred by this conditional use permit.

The Applicant must remain in compliance with all conditions listed below throughout the life of the conditional use permit. Failure to comply with each and every condition may result in the revocation of the conditional use permit.

1. The Applicant must comply with all conditions and requirements of the Development Review Committee for the Development Project No. 2018-43.

2. Any amendment to this conditional use permit must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the conditional use permit must be amended.

3. The facility shall not exceed sixty (60) feet in height. Any changes proposed must be submitted to the Planning Division for review.

4. Prior to the issuance of a building permit to construct the facility, a full landscape and irrigation plan shall be submitted for review and approval by the Planning Division. Plans must include:

    a. A solid block wall surrounding the proposed facility and its related equipment on the north, west, and east sides;
    b. Installation of additional 36-inch box trees where missing from existing planter areas along Main Street and the south property line to screen the proposed facility and its related equipment; and
    c. A 36-inch box tree replacement at a 1:1 ratio for any removed trees and a six (6) foot tall block wall with vines to surround the facility and its related equipment on all sides.

5. The Applicant shall provide a 24-hour phone number to which interference problems may be reported. This condition will also apply to all existing facilities in the City of Santa Ana.

6. The Applicant will provide a “single point of contact” in its Engineering and Maintenance Departments to insure continuity on all interference issues. The

name, telephone number, fax number and e-mail address of that person shall be provided to the City's designated representative after approval of the CUP.

7. The Applicant shall ensure that lessee or other user(s) shall comply with the terms and conditions of this permit, and shall be responsible for the failure of any lessee or other users under the control of permit Applicant to comply.

8. The major wireless facility shall be subject to any applicable California Building Code or federal requirements for seismic safety, retrofit, and/or upgrades as deemed necessary by the Building Division and shall be constructed with an Importance Factor of 1.5.

9. Conditional Use Permit No. 2020-19 expires 10 years from the date of Planning Commission approval.

EXHIBIT 2

1 - 14

RESOLUTION NO. 2020-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA DENYING VARIANCE NO. 2020-04 FOR THE CONSTRUCTION OF A NEW 80-FOOT TALL MAJOR WIRELESS COMMUNICATIONS FACILITY LOCATED AT 4111 SOUTH MAIN STREET

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The Planning Commission of the City of Santa Ana hereby finds, determines and declares as follows:

A. Tyler Kent with Smartlink LLC, representing AT&T ("Applicant"), is requesting approval of Variance No. 2020-04 to allow the construction of a new 80-foot tall major wireless ("mono-pine") communications facility at 4111 South Main Street (APN 411-121-15).

B. The Applicant has filed a separate application, Conditional Use Permit (CUP) No. 2020-19, to allow construction of the new major wireless communication facility at the subject site. Staff has recommended approval of said CUP with the condition that the wireless facility be constructed at the maximum height of sixty (60) feet

C. The Planning Commission of the City of Santa Ana has considered the information and determines that the following findings, which must be established in order to grant Variance No. 2020-04, to deny the proposed construction of an 80-foot tall major wireless communications facility, have been established as required per Santa Ana Municipal Code ("SAMC") Section 41-638:

1. That the proposed use will provide a service or facility which will contribute to the general well-being of the neighborhood or the community.

Although, a wireless communication facility at this location will provide a service to the community, the proposed height of the facility is eighty (80) in height which fails to comply with SAMC Section 41-198.9 and increases the project's visibility from the surrounding community as well as the 55 freeway. The Applicant proposes to install the facility on a location that is 230 linear feet away from residential uses; but at 80 feet in height, the facility would be surrounded by one story buildings and would visually intrude into and create

visual impacts for the surrounding neighborhoods. The height would not blend in with the surroundings.

2. That the proposed use under the circumstances of the particular case will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

   The AT&T lease site is located at an existing Southern California Edison substation. The subject site is located west of the Costa Mesa (SR-55) Freeway. The proposed eighty (80) foot tall wireless facility would be located approximately forty (40) feet from the eastern property line and the freeway right-of-way. Due to the proposed height of the wireless facility and the lack of trees and buildings with similar height, the facility will visually intrude on the adjacent business and the commuting public.

3. That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

   The economic viability of the surrounding commercial properties may be affected by the height of the proposed wireless facility. The adjacent Southern California Edison site is typical of a utility substation location with tall utility poles. However, AT&T is a private wireless provider and the proposed project is required to meet the City's development standards in the Santa Ana Municipal Code. The proposed project does not include options that would minimize visibility by reducing the height of the antenna or roof-mounting the equipment on an existing building. Either option would have been less intrusive to the surrounding community.

4. That the proposed use shall comply with the regulations and conditions specified in Chapter 41 for such use.

   The proposed wireless facility does not comply with the Major Wireless Communication Facility Development standards or guidelines except for the stealth requirement. The project does not meet the requirement of the maximum height as set forth in SAMC Section 41-189.9. This standard includes minimizing the aesthetic intrusion by requiring a maximum height of 60 feet. Propagation maps provided by the Applicant demonstrate the gap in coverage will be filled if the wireless facility is constructed at 60 feet. Additionally,

alternate designs were also discussed with the Applicant to minimize visual intrusion.

5. That the proposed use will not adversely affect the General Plan or any specific plan of the City.

The proposed wireless facility is not consistent with the General Plan's Urban Design Element (UDE) and Circulation Element (CE) goals and policies. Urban Design goals include improving the physical appearance of the community (Urban Design element Goal 1.0); maintaining a pleasant travel experience (Urban Design Element Goal 3.0); and eliminating a haphazard look and visual clutter along corridors (Urban Design Element Policy 3.2) of the City. The Circulation Element promotes attractive circulation corridors to enhance the City's image (Circulation Element Goal 5.0) and support the protection and enhancement of view corridors (Circulation Element Policy 5. 6). The project would not improve the physical appearance of the community, because the height of the proposed project would be visually intrusive to the surrounding neighborhoods. Additionally, the project would not eliminate a haphazard look and it would create visual clutter along corridors of the City, specifically the SR-55 Freeway.

Section 2. The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and other proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively “Actions”), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City’s defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense.

City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

Section 3. The Planning Commission of the City of Santa Ana after conducting the public hearing hereby denies Variance No. 2020-04. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: the Request for Planning Commission Action dated December 14, 2020, and exhibits attached thereto; and the public testimony, all of which are incorporated herein by this reference.

ADOPTED this 14th day of December, 2020 by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSENT:	Commissioners:
ABSTENTIONS:	Commissioners:

_____
Mark McLoughlin
Chairperson

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By:_____
Lisa E. Storck
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2020-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on December 14, 2020.

Date: _____ _____
Recording Secretary
City of Santa Ana

EXHIBIT 3

1 - 19

CUP No. 2020-19 and Var No. 2020-04
New AT&T Wireless Communication Facility at 4111 South Main Street

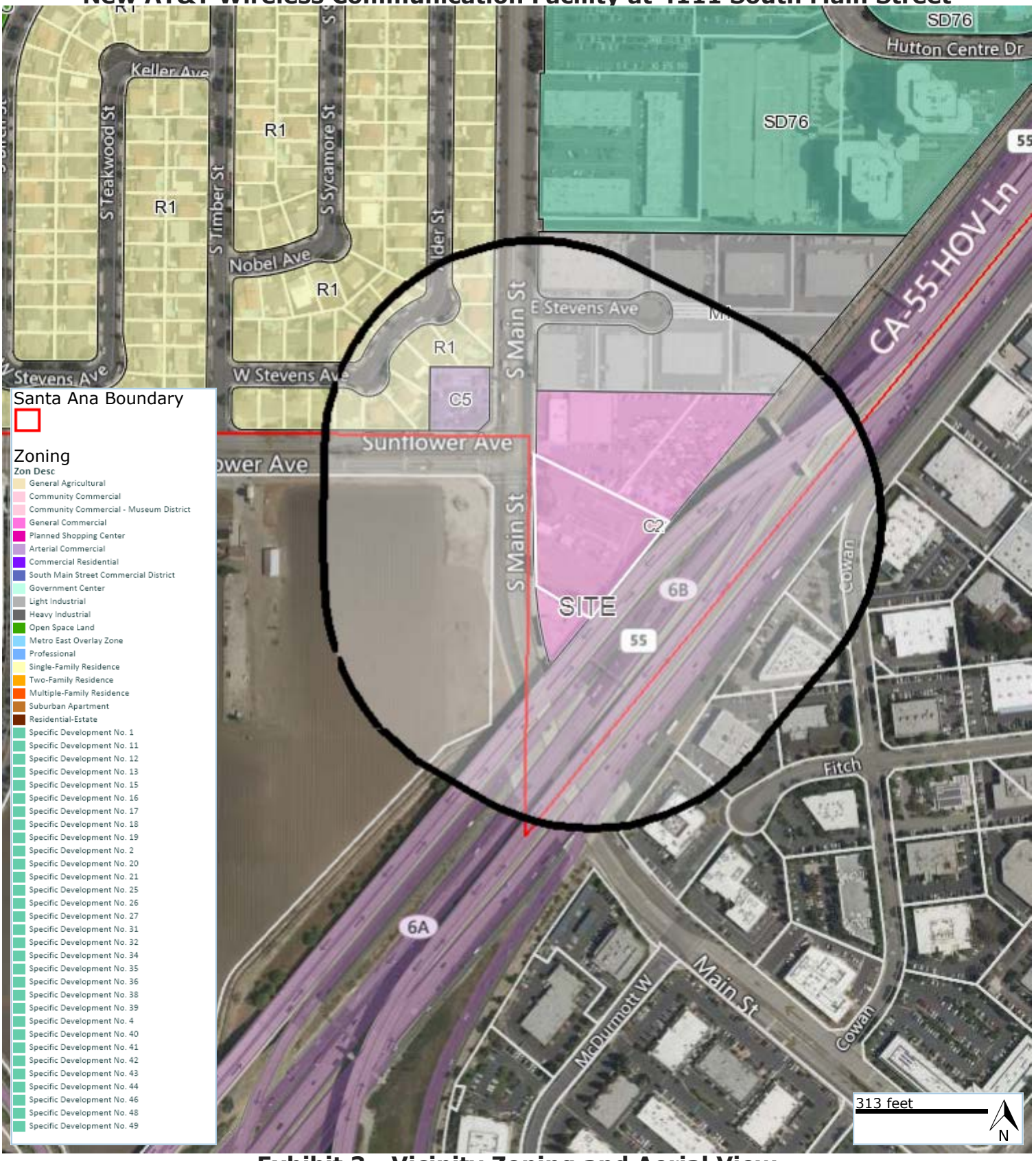


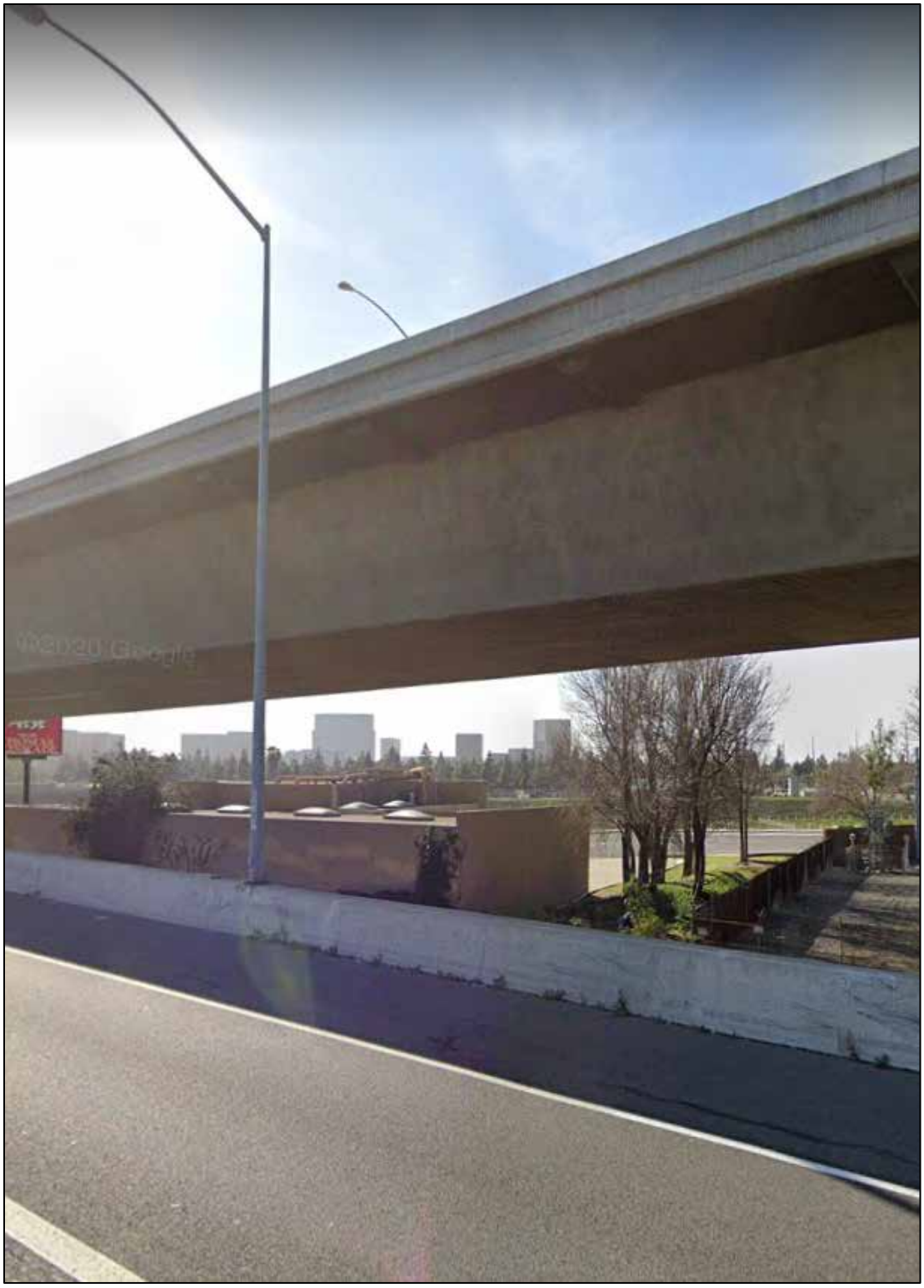
Exhibit 3 - Vicinity Zoning and Aerial View

EXHIBIT 4

1 - 21

CUP No. 2020-14 & VAR No. 2020-4
4111 South Main Street (APN No. 411-121-15)
Exhibit 4 – Site Photos

East View

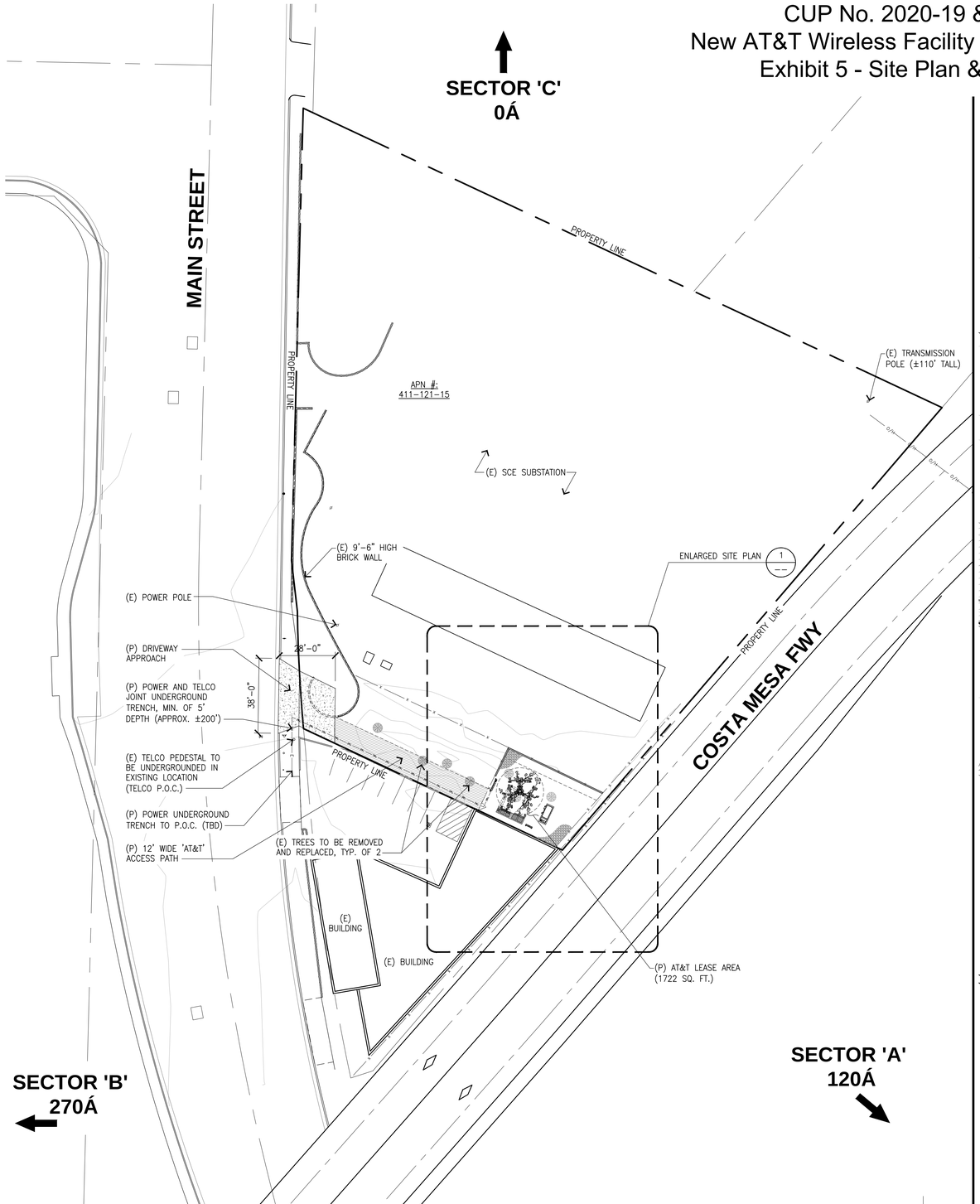


West View

EXHIBIT 5

1 - 24

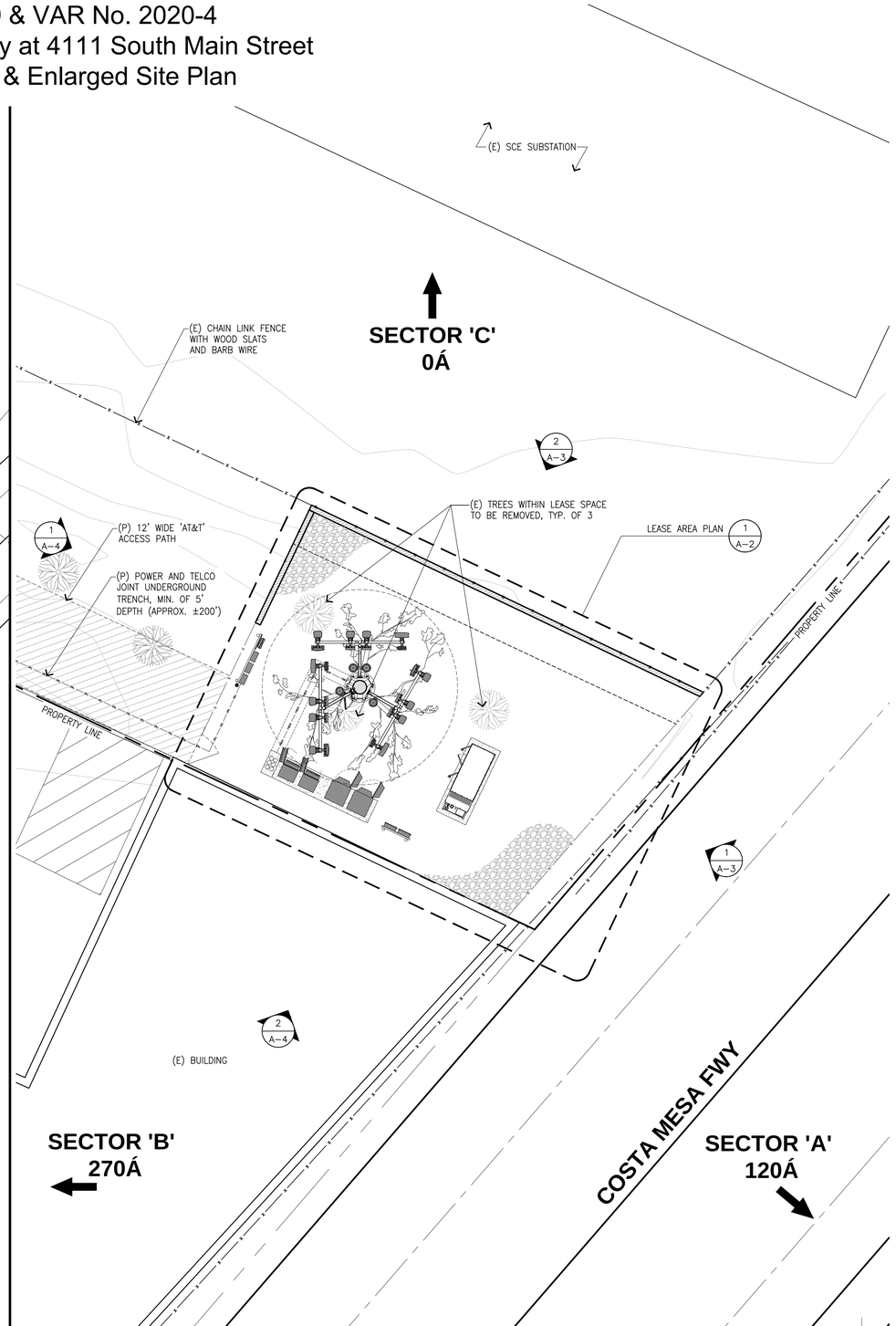
CUP No. 2020-19 & VAR No. 2020-4
New AT&T Wireless Facility at 4111 South Main Street
Exhibit 5 - Site Plan & Enlarged Site Plan



NOTES:

- UTILITY DESIGN IS PROPOSED AND BASED ON THE DESIGN VISIT, FINAL UTILITY COORDINATION WILL DETERMINE THE POINT OF CONNECTION AND ROUTE.

SITE PLAN | SCALE: 1"=30'-0" | 15' 30' 60' | 2



ENLARGED SITE PLAN | SCALE: 1/8"=1'-0" | 1

AT&T
1452 EDINGER AVE.
TUSTIN, CALIFORNIA 92780

smartlink
3300 IRVINE AVENUE, SUITE 300
NEWPORT BEACH, CA 92660
TEL: (949) 387-1265
FAX: (949) 387-1275

CASA INDUSTRIES
9926 PIONEER BLVD. #105,
SANTA FE SPRINGS, CA 90670

REV	DATE	DESCRIPTION
1	07/08720	100% ZONING DRAWINGS
–	01/08/20	100% ZONING DRAWINGS
–	07/24/19	95% ZD SITE RELOCATION
D	06/25/19	90% ZD SITE RELOCATION

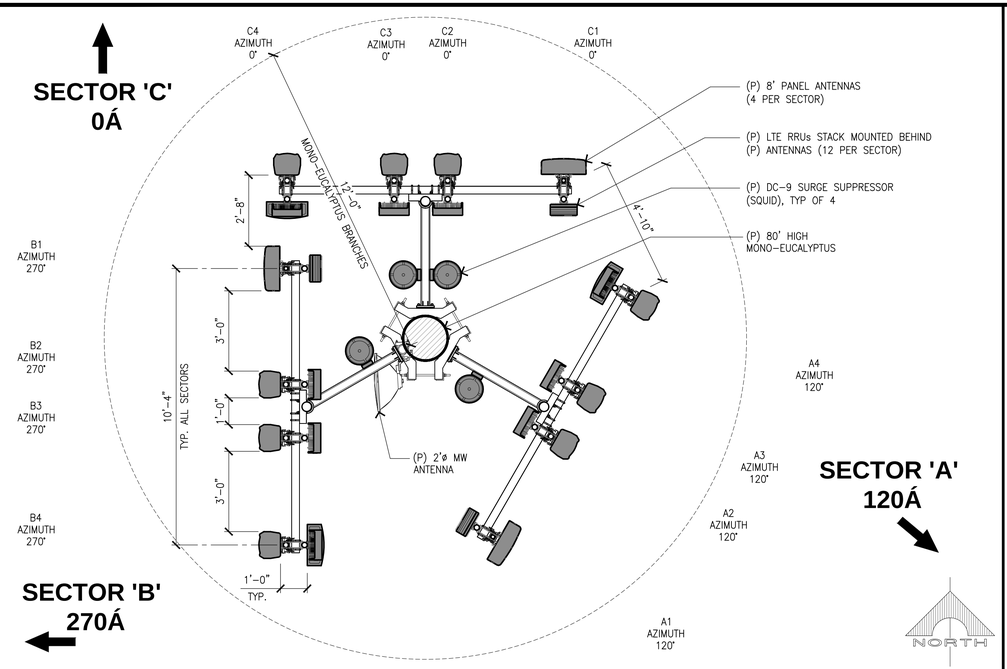
NOT TO BE USED FOR CONSTRUCTION

CLV1583 (CLL01583)
FAIRVIEW SUBSTATION
MAIN ST. & SUNFLOWER AVE.
SANTA ANA, CA 92707
MONO-EUCALYPTUS (OUTDOOR)

DRAWN BY:	CHECKED BY:
JEM	JS

SHEET TITLE:
SITE PLAN AND ENLARGED SITE PLAN

SHEET NUMBER:
A-1



ANTENNA PLAN

SCALE: 3/8"=1'-0" | 2

PROPOSED ANTENNA AND TRANSMISSION CABLE REQUIREMENTS

SECTOR		PROPOSED TECHNOLOGY	ANTENNA			ANTENNA AZIMUTH	RAD CENTER	TRANSMISSION LINES (LENGTH FT +/-)	
			MODEL	AIR/HEX/8-PORT	SIZE (4'; 6'; 8')			JUMPER	DC CABLE (AWG #8)
ALPHA SECTOR	A1	LTE	KATHREIN 800-10966K	8-PORT PANEL ANTENNA	8'	120°	74'-0"	<12'	+/- 100'
	A2	LTE	QUINTEL QS8658-3E	8-PORT PANEL ANTENNA	8'	120°	74'-0"	<12'	+/- 100'
	A3	LTE	QUINTEL QS8658-3E	8-PORT PANEL ANTENNA	8'	120°	74'-0"	<12'	+/- 100'
	A4	LTE	QUINTEL QS8658-3E	8-PORT PANEL ANTENNA	8'	120°	74'-0"	<12'	+/- 100'
BETA SECTOR	B1	LTE	KATHREIN 800-10966K	8-PORT PANEL ANTENNA	8'	270°	74'-0"	<12'	+/- 100'
	B2	LTE	QUINTEL QS8658-3E	8-PORT PANEL ANTENNA	8'	270°	74'-0"	<12'	+/- 100'
	B3	LTE	QUINTEL QS8658-3E	8-PORT PANEL ANTENNA	8'	270°	74'-0"	<12'	+/- 100'
	B4	LTE	QUINTEL QS8658-3E	8-PORT PANEL ANTENNA	8'	270°	74'-0"	<12'	+/- 100'
GAMMA SECTOR	C1	LTE	KATHREIN 800-10966K	8-PORT PANEL ANTENNA	8'	0°	74'-0"	<12'	+/- 100'
	C2	LTE	QUINTEL QS8658-3E	8-PORT PANEL ANTENNA	8'	0°	74'-0"	<12'	+/- 100'
	C3	LTE	QUINTEL QS8658-3E	8-PORT PANEL ANTENNA	8'	0°	74'-0"	<12'	+/- 100'
	C4	LTE	QUINTEL QS8658-3E	8-PORT PANEL ANTENNA	8'	0°	74'-0"	<12'	+/- 100'

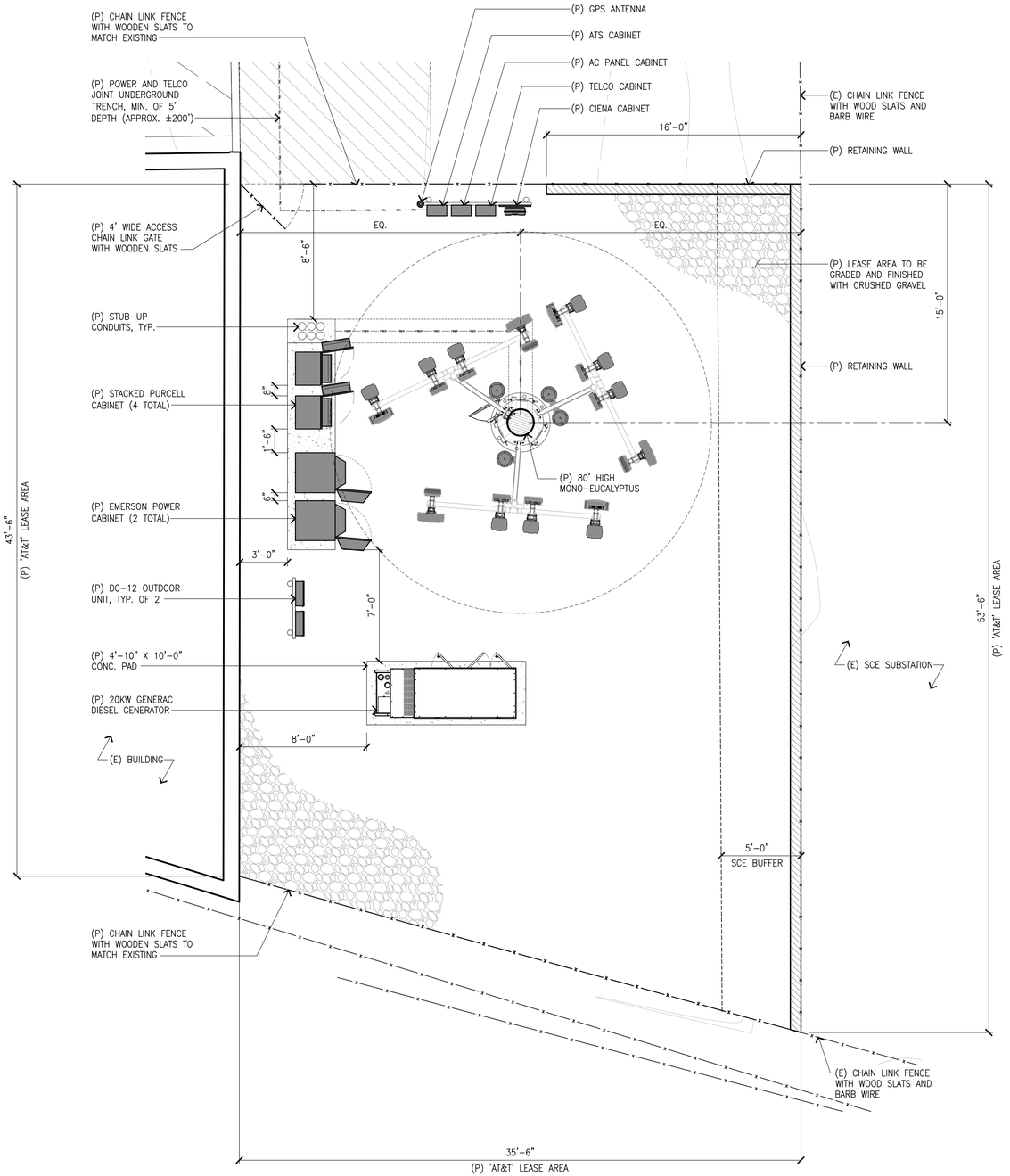
REMOTE RADIO UNITS (RRU'S)

SECTOR		RRU MODEL	RRU COUNT	RRU LOCATION (DISTANCE FROM ANTENNA)	MINIMUM CLEARANCES		
					ABOVE	BELOW	SIDES
ALPHA SECTOR	A1	RRUS 4449 B71 + B12	1	<12'	18"	8"	8"
	A1	RRUS-8843 B2/B66A	1	<12'	18"	8"	8"
	A2	RRUS-4478 B14	1	<12'	18"	8"	8"
	A4	RRUS-E2 B29	1	<12'	18"	8"	8"
	A4	RRUS-4415 B30	1	<12'	18"	8"	8"
BETA SECTOR	B1	RRUS 4449 B71 + B12	1	<12'	18"	8"	8"
	B1	RRUS-8843 B2/B66A	1	<12'	18"	8"	8"
	B2	RRUS-4478 B14	1	<12'	18"	8"	8"
	B4	RRUS-E2 B29	1	<12'	18"	8"	8"
	B4	RRUS-4415 B30	1	<12'	18"	8"	8"
GAMMA SECTOR	C1	RRUS 4449 B71 + B12	1	<12'	18"	8"	8"
	C1	RRUS-8843 B2/B66A	1	<12'	18"	8"	8"
	C2	RRUS-4478 B14	1	<12'	18"	8"	8"
	C4	RRUS-E2 B29	1	<12'	18"	8"	8"
	C4	RRUS-4415 B30	1	<12'	18"	8"	8"

FIBER OPTIC TRANSMISSION AND DC POWER CABLE SCHEDULE

SECTOR	DC-9 MODEL	FIBER OPTIC TRANSMISSION CABLES			DC POWER CABLES					
		FROM LTE DUL/DUS TO DC-9			FROM DC12 TO DC-9			FROM DC-9 TO RRU		
		PART #	QTY	LENGTH	PART #	QTY	LENGTH	PART #	QTY	LENGTH
ALPHA	DC9-48-60-24-8C-EV	RFFT-36SM-001-50	1	±110'	PWRT-608-S	3	±110'	PWRT-608-S	3	≤15'
BETA	DC9-48-60-24-8C-EV	RFFT-36SM-001-50	1	±110'	PWRT-608-S	3	±110'	PWRT-608-S	3	≤15'
GAMMA	DC9-48-60-24-8C-EV	RFFT-36SM-001-50	1	±110'	PWRT-608-S	3	±110'	PWRT-608-S	3	≤15'

ANTENNA AND RRU SCHEDULE | 3



TOTAL LEASE AREA = 1722 SQ. FT.

LEASE AREA PLAN | SCALE: 1/4"=1'-0" | 1

AT&T
1452 EDINGER AVE.
TUSTIN, CALIFORNIA 92780

smartlink
3300 IRVINE AVENUE, SUITE 300
NEWPORT BEACH, CA 92660
TEL: (949) 387-1265
FAX: (949) 387-1275

CASA INDUSTRIES
9926 PIONEER BLVD. #105,
SANTA FE SPRINGS, CA 90670

REV	DATE	DESCRIPTION
1	07/08720	100% ZONING DRAWINGS
–	01/08/20	100% ZONING DRAWINGS
–	07/24/19	95% ZD SITE RELOCATION
D	06/25/19	90% ZD SITE RELOCATION

NOT TO BE USED FOR CONSTRUCTION

CLV1583 (CLL01583)
FAIRVIEW SUBSTATION
MAIN ST. & SUNFLOWER AVE.
SANTA ANA, CA 92707
MONO-EUCALYPTUS (OUTDOOR)

DRAWN BY:	CHECKED BY:
JEM	JS

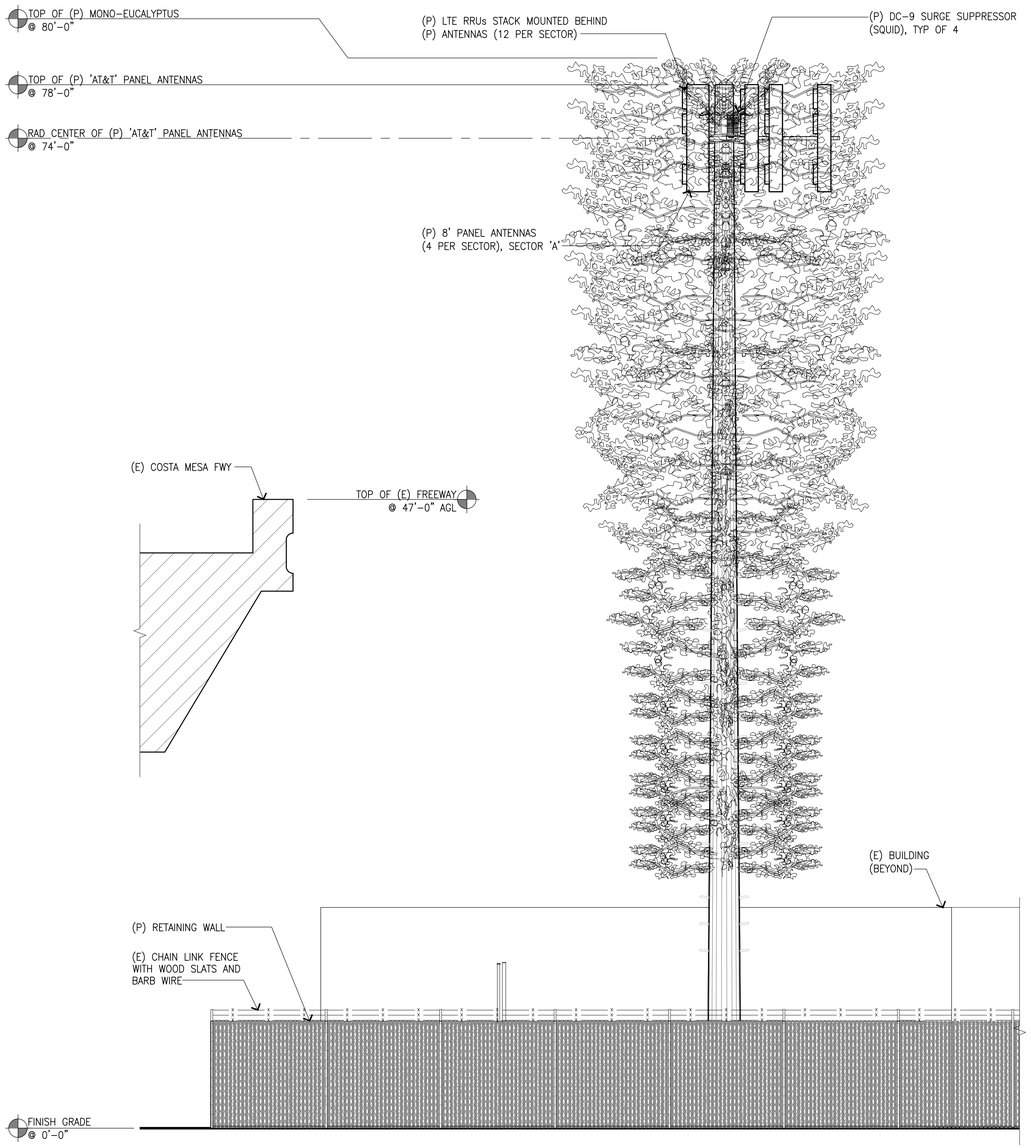
SHEET TITLE:
LEASE AREA/ANTENNA PLAN AND ANTENNA/RRU SCHEDULE

SHEET NUMBER:
A-2

EXHIBIT 6

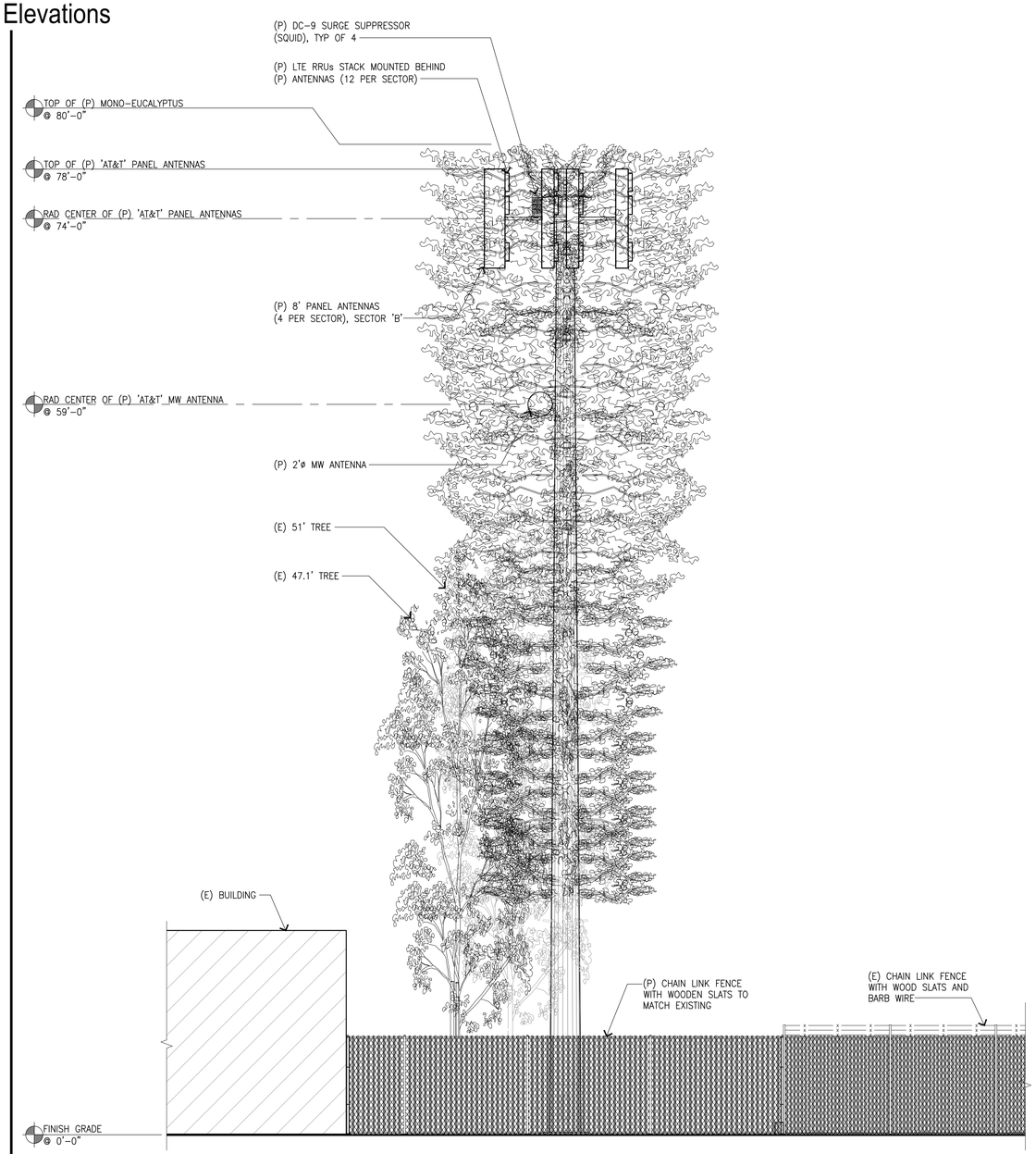
1 - 27

CUP No. 2020-19 & VAR No. 2020-4
New AT&T Wireless Facility at 4111 South Main Street
Exhibit 6 - Elevations



NORTH ELEVATION

SCALE: 3/16"=1'-0" | 2



EAST ELEVATION

SCALE: 3/16"=1'-0" | 1

AT&T
1452 EDINGER AVE.
TUSTIN, CALIFORNIA 92780

smartlink
3300 IRVINE AVENUE, SUITE 300
NEWPORT BEACH, CA 92660
TEL: (949) 387-1265
FAX: (949) 387-1275

CASA INDUSTRIES
9926 PIONEER BLVD. #105,
SANTA FE SPRINGS, CA 90670

REV	DATE	DESCRIPTION
1	07/08720	100% ZONING DRAWINGS
–	01/08/20	100% ZONING DRAWINGS
–	07/24/19	95% ZD SITE RELOCATION
D	06/25/19	90% ZD SITE RELOCATION

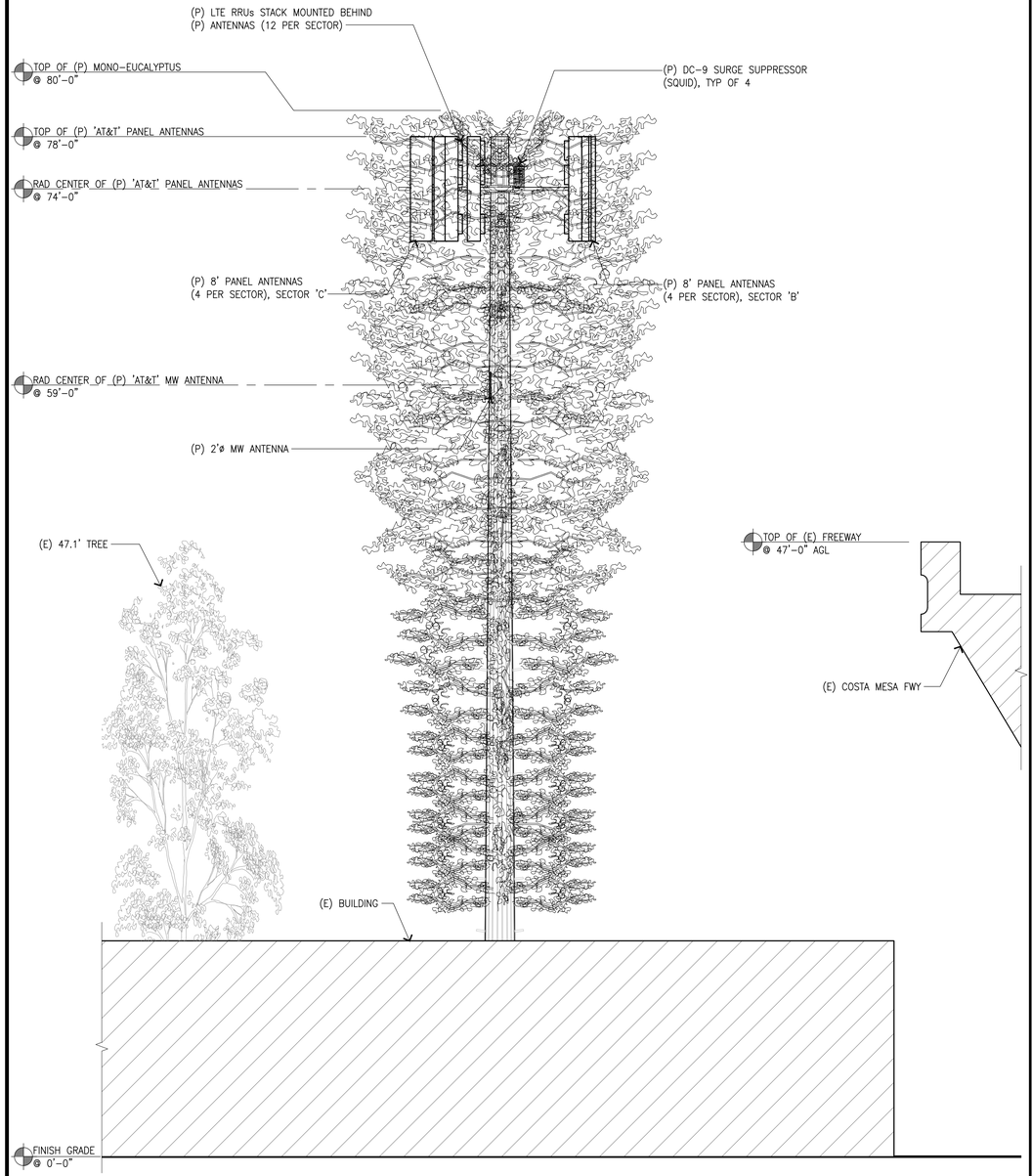
NOT TO BE USED FOR CONSTRUCTION

CLV1583 (CLL01583)
FAIRVIEW SUBSTATION
MAIN ST. & SUNFLOWER AVE.
SANTA ANA, CA 92707
MONO-EUCALYPTUS (OUTDOOR)

DRAWN BY:	CHECKED BY:
JEM	JS

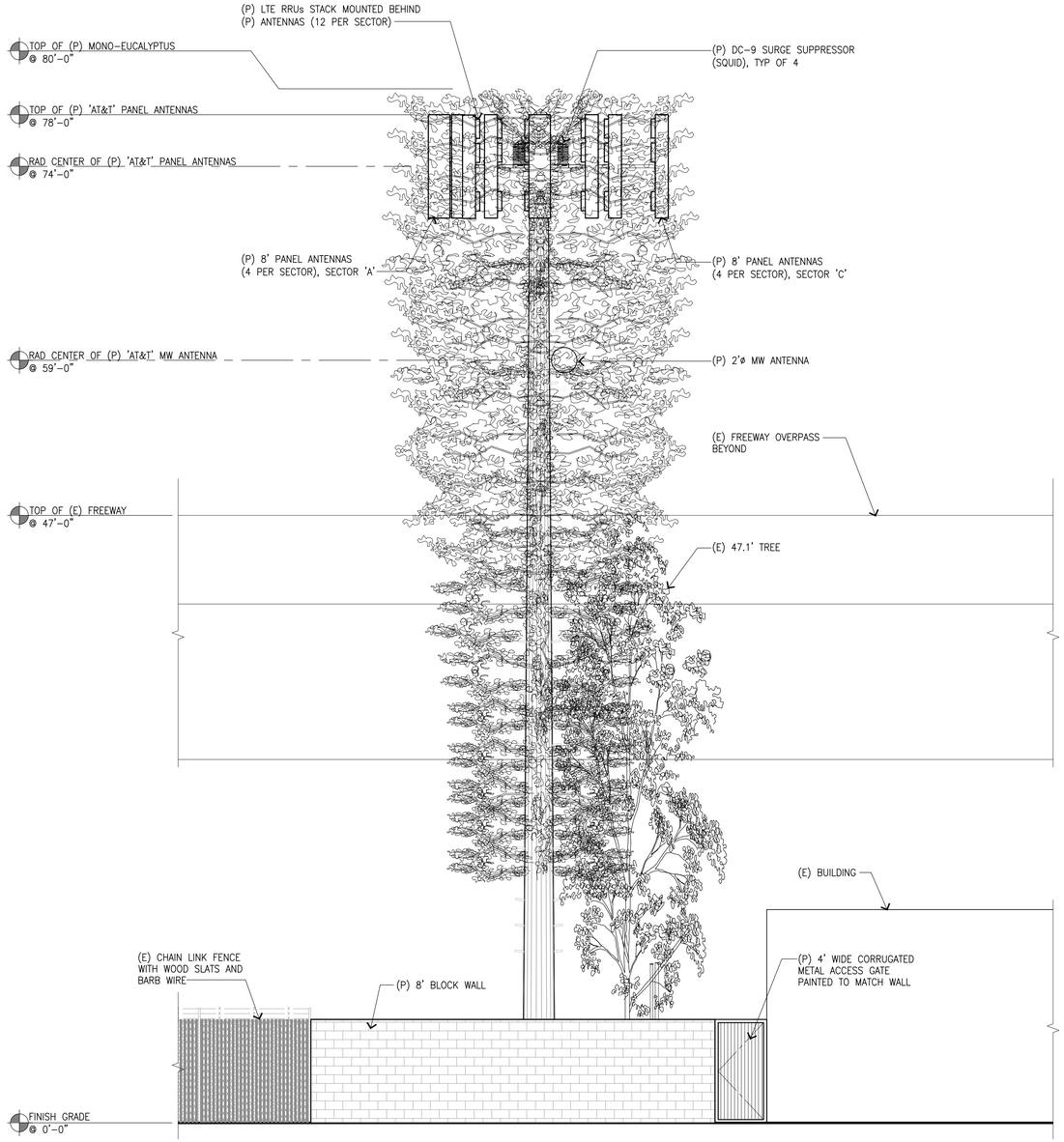
SHEET TITLE: ELEVATIONS

SHEET NUMBER: **A-3**



SOUTH ELEVATION

SCALE: 3/16"=1'-0" | 2



WEST ELEVATION

SCALE: 3/16"=1'-0" | 1

AT&T
1452 EDINGER AVE.
TUSTIN, CALIFORNIA 92780

smartlink
3300 IRVINE AVENUE, SUITE 300
NEWPORT BEACH, CA 92660
TEL: (949) 387-1265
FAX: (949) 387-1275

CASA INDUSTRIES
9926 PIONEER BLVD. #105,
SANTA FE SPRINGS, CA 90670

REV	DATE	DESCRIPTION
1	07/08720	100% ZONING DRAWINGS
–	01/08/20	100% ZONING DRAWINGS
–	07/24/19	95% ZD SITE RELOCATION
D	06/25/19	90% ZD SITE RELOCATION

NOT TO BE USED FOR CONSTRUCTION

CLV1583 (CLL01583)
FAIRVIEW SUBSTATION
MAIN ST. & SUNFLOWER AVE.
SANTA ANA, CA 92707
MONO-EUCALYPTUS (OUTDOOR)

DRAWN BY:	CHECKED BY:
JEM	JS

SHEET TITLE:
ELEVATIONS

SHEET NUMBER:
A-4

EXHIBIT 7

1 - 30

CUP No. 2020-19 & VAR No. 2020-04
New AT&T Wireless Facility at 4111 South Main Street
Exhibit 7 - Photo Simulations

PROPOSED LOOKING SOUTHEAST FROM MAIN STREET

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

PROPOSED LOOKING NORTHEAST FROM MAIN STREET

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

PROPOSED LOOKING SOUTHEAST FROM SUNFLOWER AVENUE

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

PROPOSED LOOKING EAST FROM MAIN STREET

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

PROPOSED LOOKING NORTH FROM NORTHBOUND 55 FREEWAY

1 - 35

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

PROPOSED LOOKING SOUTHWEST FROM SOUTHBOUND I-55 FREEWAY

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

EXHIBIT 8

CUP No. 2020-19 & VAR No. 2020-04
4111 South Main Street
Exhibit 8 – Colocation and Roof Mounted Examples

1851 East First Street – antennas mounted onto the wall

3636 Westminster Avenue – Roof mounted antennas

Santa Ana Water Tower – Co-location

2120 South Bristol Street – Co-location

EXHIBIT 9

1 - 40

Remaining Significant Coverage Gap
If Variance to Allow an 80-foot Height Monopole is Denied

Main Street & Sunflower Avenue, Santa Ana, CA
AT&T Site ID: CLV1583

Denial of AT&T's request for a variance to install an 80-foot tall wireless communications facility would unlawfully prohibit wireless services in this portion of Santa Ana. AT&T's Radio Frequency Statement explains:

> Exhibit 3 is a map that that predicts high-band LTE service coverage based on signal strength in the vicinity of the Property if antennas are placed at a reduced height of 55 feet to accommodate a 60-foot tall facility. As shown by this map, reducing antenna height significantly reduces the coverage that the site can attain, which would materially inhibit AT&T from meeting its coverage objectives in this portion of the city. ***Specifically, it would fail to provide adequate service to hundreds of homes, several businesses, schools, parks and the fire station in the gap area.***

Below is a more detailed analysis of the gap area that demonstrates the significant scope of AT&T's gap area that will remain if the City approves a 60-foot tall facility but denies the height variance to allow the proposed 80-foot tall facility. If the variance is denied, the following properties in Santa Ana will be deprived of receiving improved service coverage. Denial of the variance would, therefore, violate the Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7)(B)(i)(II), by effectively prohibiting AT&T from providing personal wireless service to the following properties:

North of MacArthur Blvd

- Approximately 30 multi-tenant units in the Californian Apartments property complex between Main Street, West Columbine Avenue, and West MacArthur Boulevard
- Approximately 50 townhomes at the Reserve at South Coast between Main Street and West Columbine Avenue
- Approximately 75 single family homes between South Birch Street, West Columbine Avenue, South Sycamore Street, and West Alton Avenue to the east and south of Lillie King Park and MacArthur Fundamental Intermediate School
- Approximately 40 single family homes between South Birch Street, West Columbine Avenue, and East MacArthur Boulevard to the southeast of Lillie King Park and MacArthur Fundamental Intermediate School
- Approximately 240 single family homes between South Flower Street, West Alton Avenue, East MacArthur Boulevard, and South Sycamore Street to the east and south of Lillie King Park and MacArthur Fundamental Intermediate School
- MacArthur Fundamental Intermediate School
- Lillie King Park
- Approximately 30 single family homes on South Olive Street to the east of Flower Street

South of MacArthur Blvd

- Multiple businesses in the Mac Main Plaza
- Approximately 20 townhomes in the Main Attraction gated community
- Taft Elementary School
- Sandpointe Park
- Approximately 200 single family homes to the east of South Flower Street and north of Sunflower Avenue
- Approximately 70 single family homes west of South Flower Street in between Ramona Street and South Olive Street
- Bomo Koral Park
- The Park Plaza Apartments

South of Sunflower Avenue

- Multiple units in the Enclave Apartments
- The Metro Fire Station
- Multiple units in the 3400 Avenue of the Arts apartments

South of the San Diego Freeway

- Approximately 25 single family homes on Traverse Drive

Near Red Hill Avenue

- Multiple professional business offices in the Main and Redhill Business Center
- Airport Business Center
- Other commercial businesses to the east of State Route 55

Conclusion:

AT&T has demonstrated not only that it has a significant service coverage gap in a large portion of the City, but has also demonstrated that it cannot close that gap without a height variance to authorize an 80-foot tall facility. Thus, denial of the variance request will violate federal law.

AT&T Mobility Radio Frequency Statement
Main Street & Sunflower Avenue, Santa Ana CA

AT&T has experienced an unprecedented increase in mobile data use on its network since the release of the iPhone in 2007. AT&T estimates that since introduction of the iPhone in 2007, mobile data usage has increased 470,000% on its network. AT&T forecasts its customers' growing demand for mobile data services to continue. The increased volume of data travels to and from customers' wireless devices and AT&T's wireless infrastructure over limited airwaves — radio frequency spectrum that AT&T licenses from the Federal Communications Commission.

Spectrum is a finite resource and there are a limited number of airwaves capable and available for commercial use. Wireless carriers license those airwaves from the FCC. To ensure that service quality, AT&T must knit together its spectrum assets to address customers' existing usage and forecasted demand for wireless services, and it must use its limited spectrum in an efficient manner.

AT&T uses high-band (i.e., 2300 MHz, 2100 MHz, and 1900 MHz) and low-band (i.e., 850 MHz and 700 MHz) spectrum to provide wireless service. Each spectrum band has different propagation characteristics and signal quality may vary due to noise or interference based on network characteristics at a given location. To address this dynamic environment, AT&T deploys multiple layers of its licensed spectrum and strives to bring its facilities closer to the customer. The proposed wireless communications facility near the intersection of Main Street and Sunflower Avenue, Santa Ana, CA (the "Property") is needed to close a high-band LTE service coverage gap in an area roughly bordered by Curie Avenue to the north, Sky Park Circle to the west, the San Diego Freeway/Interstate-405 to the south, and Bomo Koral Park to the east. This portion of Santa Ana includes hundreds of homes in several neighborhoods, numerous businesses, a fire station, schools, parks and other points of interest in the immediate vicinity.

The service coverage gap is caused by inadequate infrastructure in the area. AT&T currently has existing sites in the broader geographical area surrounding the Property but, as Exhibit 1 illustrates, these existing sites do not provide sufficient in-building high-band LTE service in the gap area. To meet its coverage objectives, AT&T needs to construct a new wireless communications facility. Wireless telecommunications is a line-of-sight technology, and AT&T's antennas need to be high enough propagate an effective signal throughout the gap area. To meet its coverage objectives for this gap area, AT&T proposes antennas with a centerline height of 74 feet above ground level. A reduced height of antennas is not feasible because signals to the east would be blocked by the elevated concrete and steel freeways, including the tall flyover ramp from the Costa Mesa Freeway to Interstate 405. Denial of this proposed facility or a reduction in height would materially inhibit AT&T's ability to provide and improve wireless services in this portion of the city.

The facility at the Property will help to close the gap in coverage and help address rapidly increasing data usage driven by smart phone and tablet usage. This site is part of an effort to fully deploy 4G LTE technology in the area. Specifically, the proposed facility will close this service coverage gap and provide sufficient high-band 4G LTE, in-building coverage for AT&T customers in the affected area. 4G LTE is capable of delivering speeds up to 10 times faster than industry-average 3G speeds. LTE technology also offers lower latency, or the processing time it takes to move data through a network, such as how long it takes to start downloading a webpage or file once you've sent the request. Lower latency helps to improve the quality of personal wireless services. What's more, LTE uses spectrum more efficiently than other technologies, creating more space to carry data traffic and services and to deliver a better overall network experience.

It is important to understand that service problems can and do occur for customers even in locations where the coverage maps on AT&T's "Coverage Viewer" website appear to indicate that coverage is available. As the legend to the Coverage Viewer maps indicates, these maps display approximate coverage. Actual coverage in an area may differ from the website map graphics, and it may be affected by such things as terrain, weather, network changes, foliage, buildings, construction, high-usage periods, customer equipment, and other factors.

It is also important to note that the signal losses, slow data rates, and other service problems can and do occur for customers even at times when certain other customers in the same vicinity may not experience any problems on AT&T's network. These problems can and do occur even when certain customers' wireless phones indicate coverage bars of signal strength on the handset. The bars of signal strength that individual customers can see on their wireless phones are an imprecise and slow-to-update estimate of service quality. In other words, a customer's wireless phone can show coverage bars of signal strength, but that customer will still, at times, be unable to initiate voice calls, complete calls, or download data reliably and without service interruptions due to service quality issues.

To determine where equipment needs to be located for the provisioning of reliable service in any area, AT&T's radio frequency engineers rely on far more complex tools and data sources than just signal strength from individual phones. AT&T uses industry standard propagation tools to identify the areas in its network where signal strength is too weak to provide reliable in-building service quality. This information is developed from many sources including terrain and clutter databases, which simulate the environment, and propagation models that simulate signal propagation in the presence of terrain and clutter variation. AT&T designs and builds its wireless network to ensure customers receive reliable in-building service quality. In-building service is critical as customers increasingly use their mobile phones as their primary communication device (more than 72% of American households rely primarily or

exclusively on wireless telecommunications) and rely on their mobile phones to do more (E911, GPS, web access, text, etc.). In fact, the FCC estimates that 70% of 911 calls are placed by people using wireless phones.

The proposed facility at the Property is also a part of AT&T's commitment to supporting public safety through its partnership with FirstNet, the federal First Responder Network Authority. The proposed facility will provide new service on Band 14, which is the dedicated public safety network for first responders nationwide. The proposed facility is designed to be part of FirstNet and will provide coverage and capacity for the deployment of the FirstNet platform on AT&T's LTE network. Deployment of FirstNet in the subject area will improve public safety by providing advanced communications capabilities to assist public safety agencies and first responders.

Exhibit 1 to this Statement is a map of the existing high-band LTE service coverage (without the proposed installation at the Property) in the area at issue. It includes high-band LTE service coverage provided by other existing AT&T sites. The green shading shows areas within a signal strength range that provide reliable service coverage. The yellow shaded areas depict areas within a signal strength range that provide marginally reliable service coverage. The pink and white areas depict areas in which a customer might have difficulty receiving a consistently acceptable level of service. The quality of service experienced by any individual customer can differ greatly depending on whether that customer is indoors, outdoors, stationary, or in transit. Any area in the pink or white category is considered inadequate service coverage and constitutes a service coverage gap.

Exhibit 2 is a map that predicts high-band LTE service coverage based on signal strength in the vicinity of the Property if the proposed facility is constructed as proposed in the application. As shown by this map, constructing the proposed facility at the Property closes this significant service coverage gap.

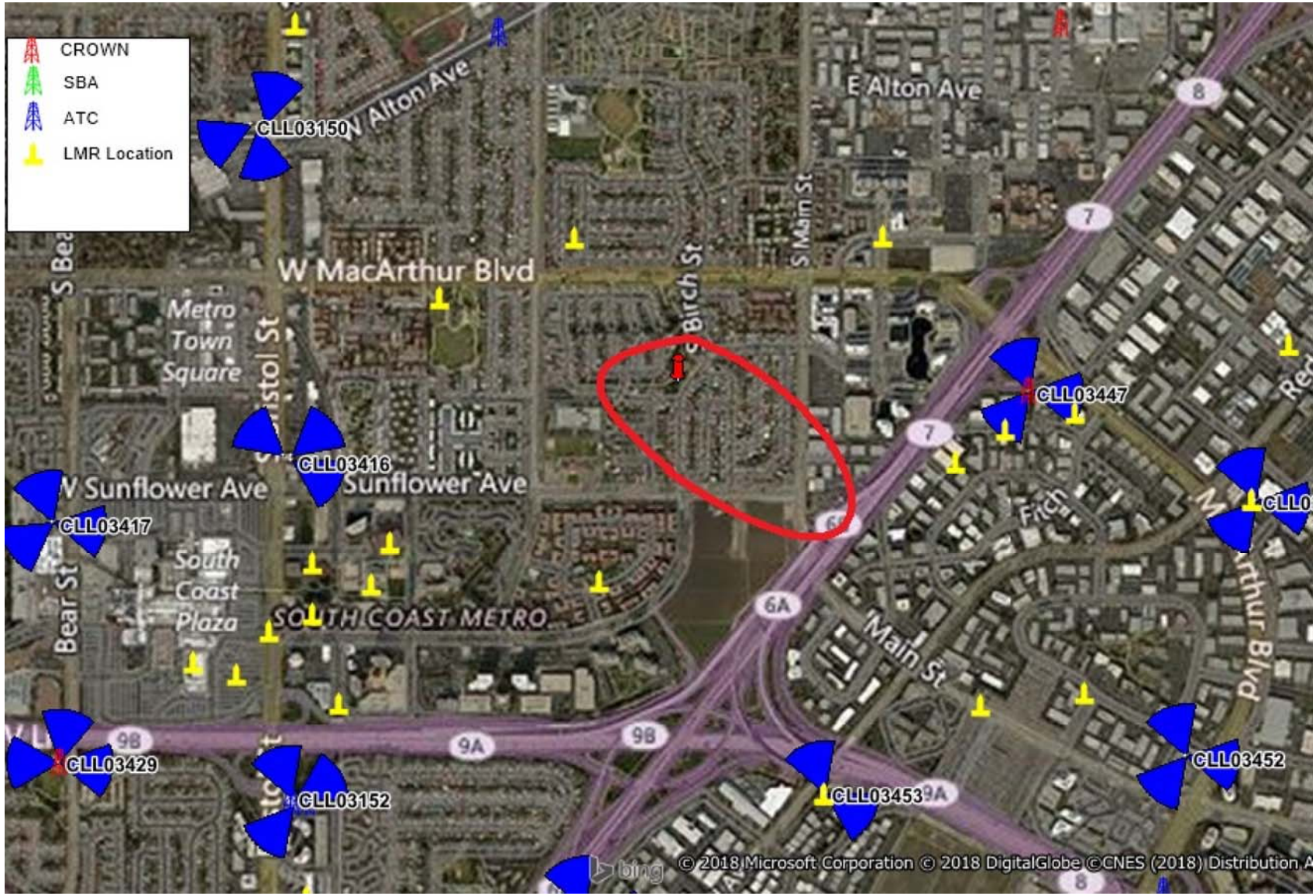
Exhibit 3 is a map that that predicts high-band LTE service coverage based on signal strength in the vicinity of the Property if antennas are placed at a reduced height of 55 feet to accommodate a 60-foot tall facility. As shown by this map, reducing antenna height significantly reduces the coverage that the site can attain, which would materially inhibit AT&T from meeting its coverage objectives in this portion of the city. Specifically, it would fail to provide adequate service to hundreds of homes, several businesses, schools, parks and the fire station in the gap area.

My conclusions are based on my knowledge of the Property and with AT&T's wireless network, as well as my review of AT&T's records with respect to the Property and its wireless telecommunications facilities in the surrounding area. I have a Bachelor Degree in Electronics and Communications from the

University of Mysore, India, and have worked as an engineering expert in the wireless communications industry for more than 24 years.

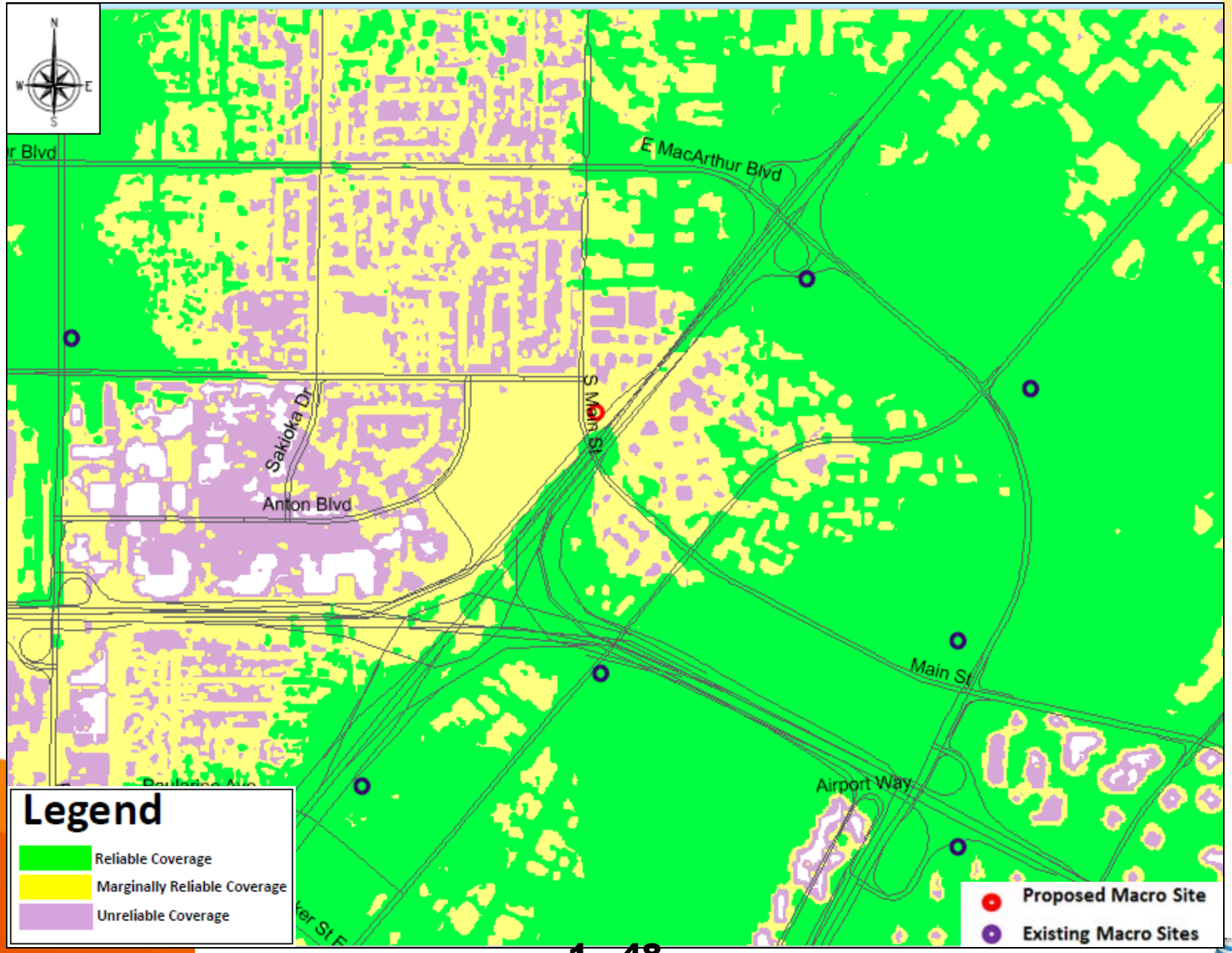
Mahesh Kolur
AT&T Mobility Services LLC
Network, Planning & Engineering
RAN Design & RF Engineering
August 2019

Towers and Colocations



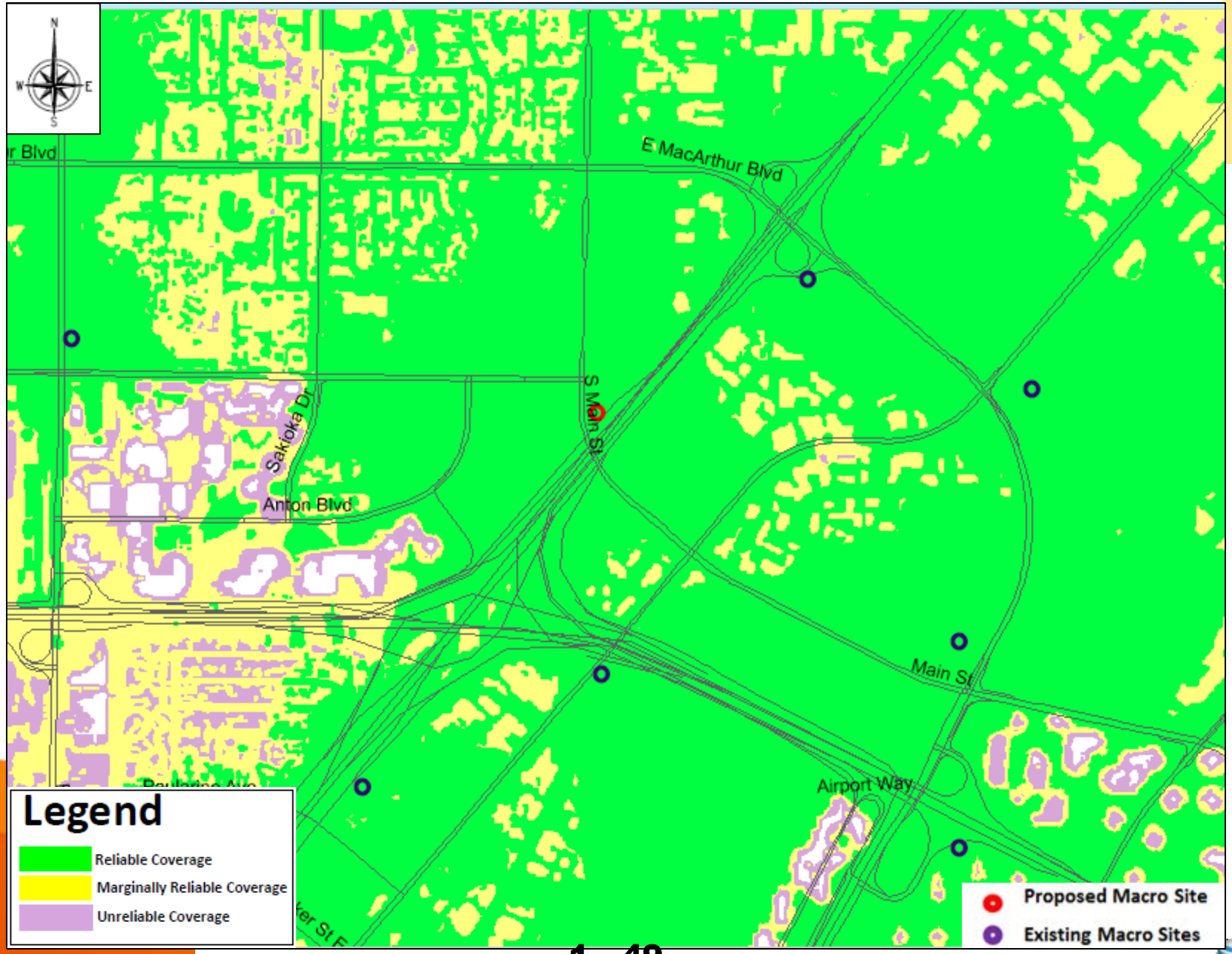
LTE Coverage Before Site CLV1583

Exhibit 1



LTE Coverage After Site CLV1583 at 75’

Exhibit 2



LTE Coverage After Site CLV1583 at 55’

Exhibit 3

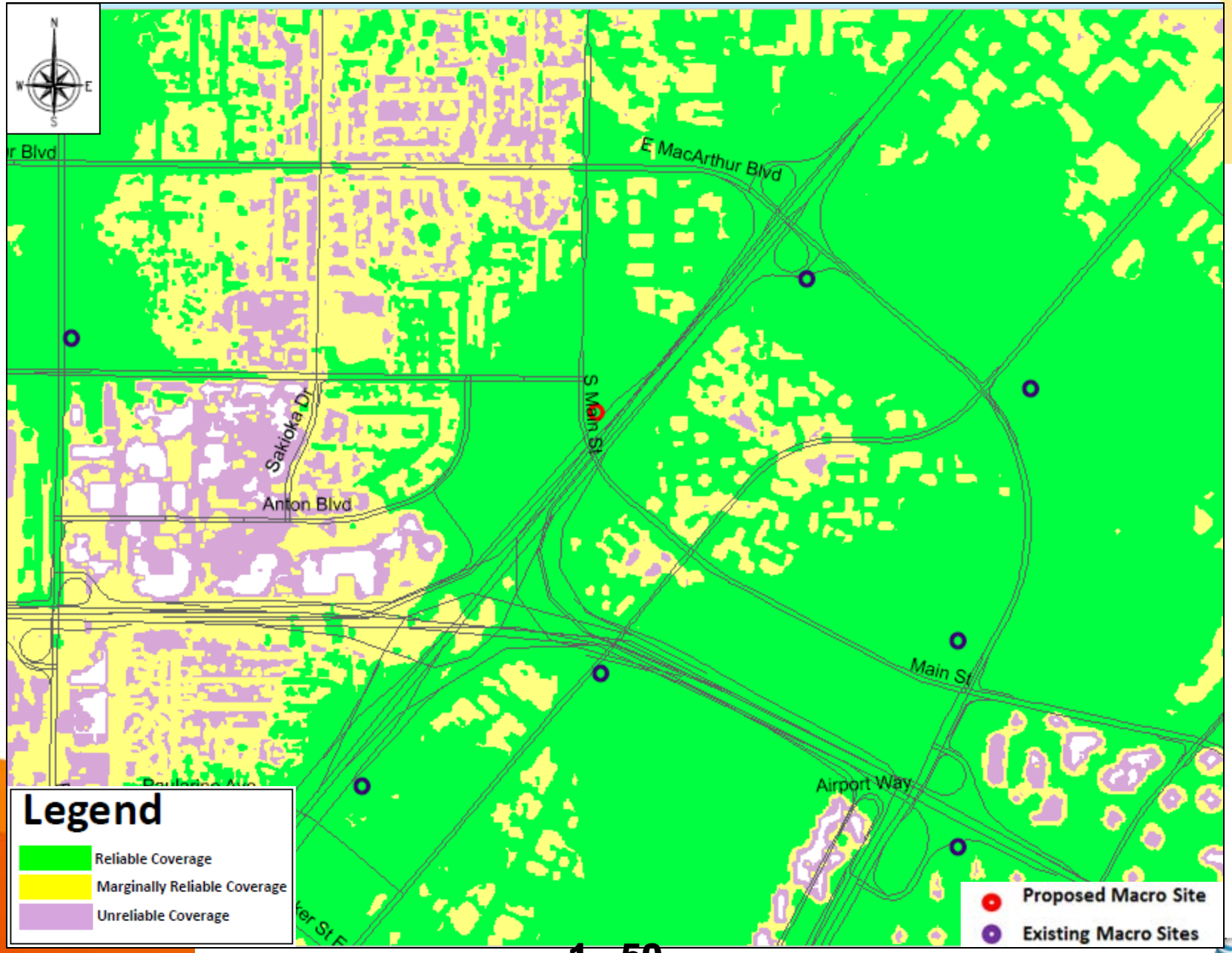


EXHIBIT 10

AT&T Mobility

Wireless Telecommunications Facility
at
APN: 411-121- 15 , Main Street and Sunflower Avenue
Santa Ana, CA

DP No: 2018-43

Introduction

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T") has a significant gap in its service coverage in Santa Ana. AT&T proposes to install a new stealth 80-foot tall wireless communications facility ("WCF") disguised as a mono-broadleaf tree next to two existing tall trees and near the intersection of Main Street and Sunflower Avenue, Santa Ana, CA, Latitude/Longitude approximately 33.693211, -117.867847, APN: 411-121- 15 ("Proposed Facility") as a means to fill this gap in coverage. AT&T proposes to install a three (3) sector array with four (4) panel antennas per sector, mounted on a faux mono-broadleaf tree ("mono-broadleaf"), with the related equipment to be within an equipment enclosure adjacent to the existing building and entirely screened by an 8-foot concrete block retaining wall on one side and an 8-foot tall chain link and wood slat fence on two sides to match the existing fencing at the property. The Proposed Facility is designed to improve the quality of life of Santa Ana citizens while also minimizing aesthetic intrusion by utilizing stealth design and locating in an area where existing topography, vegetation, buildings, and other structures provide the greatest amount of screening. The Proposed Facility is the least intrusive means to fill the significant gap of the alternatives investigated by AT&T as explained below.

Objective

AT&T Mobility has identified a significant gap in its service coverage in Santa Ana, in an area roughly bordered by Curie Avenue to the north, Sky Park Circle to the west, the San Diego Freeway/Interstate-405 to the south, and Bomo Koral Park to the east. This portion of Santa Ana includes hundreds of homes in several neighborhoods, numerous businesses, a fire station, schools, parks and other points of interest in the immediate vicinity. The service coverage in this portion of Santa Ana is described in the Radio Frequency Statement previously submitted to the City.

Methodology and Zoning Criteria

The location of a WCF to fill a significant gap in coverage is dependent upon topography, zoning, existing structures, collocation opportunities, available utilities, access and a willing landlord. Wireless communication is line-of-sight technology that requires WCFs to be in relatively close proximity to the wireless handsets to be served. AT&T proposes antennas with a centerline height of 74 feet above ground level, which is the minimum height feasible to meet coverage objectives because signals to the east would be blocked by the elevated concrete and steel freeways, including the tall flyover ramp from the Costa Mesa Freeway to Interstate 405.

AT&T seeks to fill a significant gap in service coverage using the least intrusive means under the values expressed in the Santa Ana Municipal Code ("Code"). Thus, AT&T is guided by Section 41-198 of the Code, and in particular, subsection 41-198.3(b) regarding major wireless facilities, subsection 41-198.5 regarding development criteria, and subsection 41-198.9 regarding locational guidelines. In addition, Section 41-198.8 prohibits major wireless communications facilities within 140 feet of a residential zone or legal residential use. The Proposed Facility will be a stealth installation away from residences and in a commercial zoning district (C-2) adjacent to the freeway where it will be minimally intrusive.

Analysis

In compliance with Code Section Sec. 41-198.5(b)(2), AT&T is providing the following results of its thorough investigation of potential alternative sites for facilities to fill the identified coverage gap in this portion of Santa Ana. AT&T searched for, but did not find, feasible collocation opportunities in and around the coverage objective that would be effective to fill AT&T's gap in coverage. The following map shows the locations of the Proposed Facility and the alternative sites that AT&T investigated. The alternatives are discussed in the analysis which follows.

Location of Candidate Sites

Proposed Facility – Mono-broadleaf at APN: 411-121- 15, Main Street and Sunflower Avenue

Conclusion: Based upon location, willing landlord, and the superior coverage as shown in the proposed coverage map included in AT&T's Radio Frequency Statement, the Proposed Facility is the least intrusive means for AT&T to meet its service coverage objective.

This property is located on South Main Street near the intersection of Main Street and Sunflower Avenue. AT&T proposes to install a three (3) sector array with four (4) panel antennas per sector, mounted on a faux eucalyptus tree ("mono-eucalyptus"), with the related equipment to be within an equipment enclosure adjacent to the existing building and entirely screened by an 8-foot concrete block retaining wall on one side and an 8-foot tall chain link and wood slat fence on two sides to match the existing fencing at the property. AT&T's antennas will have a top height of 74 feet, and the mono-eucalyptus will have six additional feet of concealment branches at the top. The Proposed Facility is designed to improve the quality of life of Santa Ana citizens by providing critical wireless communications, including FirstNet service, while also minimizing aesthetic intrusion by utilizing stealth design and locating in an area where existing topography, vegetation, buildings, and other structures provide the greatest amount of screening. The Proposed Facility is the least intrusive means to AT&T's significant service coverage gap in this portion of Santa Ana.

Alternative Site 1 – 500 Anton Blvd, Costa Mesa, CA - Costa Mesa Marriot (Roof-Top)

Conclusion: Not available

Locating at this hotel is not an available option because the landlord backed out of extensive negotiations with AT&T and has refused to allow AT&T to locate a wireless communications facility at this site.

Alternative Site 2 – 475 Anton Blvd, Costa Mesa, CA - Experian (Roof-Top) – Buildings 1, 2, and 3

Conclusion: Not available

Locating at this commercial property is not an available option because the landlord concluded, after extensive negotiations with AT&T, that a wireless facility at the property would not be possible due to company policies. The landlord also concluded that it would not allow AT&T to locate at the parking structure associated with these buildings.

Alternative Site 3 – 555 Anton Blvd., Costa Mesa, CA –Office Buildings (Roof-Top) – Buildings 1, 2, and 3

Conclusion: Not feasible

AT&T has an existing site near this location, and an additional facility here would be ineffective to close AT&T's coverage gap.

Alternative Site 4 – 5 Hutton Center Dr., Santa Ana, CA Office Buildings (Roof-Top) – Buildings 1, 2, and 3

Conclusion: Not feasible and no less intrusive

AT&T has an existing wireless communications facility near this location across the Costa Mesa freeway to the east, thus a site at this location would be ineffective to fill AT&T's gap in coverage.

Alternative Site 5 – 3960 South Main Street, Suite D, Santa Ana – Nate's Korner

Conclusion: Not available

Locating at this site, which backs up to a residential zoning district, is not an available option because the residential setback requirements as set forth in Code Section 41-198.8 prohibit installation of a facility at this location.

Alternative Site 6 - 4131 S Main St, Santa Ana, CA - Pawtographer

Conclusion: Not feasible

Locating at this site, Pawtography, is not feasible because there is not adequate ground space to develop a wireless facility. Furthermore, because this is a one story facility, it is not feasible to build a rooftop facility at the necessary height to close the gap in coverage.

Alternative Site 7 – 4101 S Main St, Santa Ana, CA – Budget/Avis Car Rental

Conclusion: Not feasible

Locating at this site, a Budget/Avis car rental location, is not feasible because there is not adequate space to develop a wireless facility that would not interference with the property owners' regular business operations.

Alternative Site 8 – 3700 S Birch St, Santa Ana, CA - Sandpointe Park

Conclusion: Not available and no less intrusive

Locating at Sandpointe Park is not an available option. The park immediately abuts residential neighborhoods; therefore, there are no locations in this park where a major wireless communications facility can comply with the residential setback under Santa Ana Municipal Code Section 41-198.8.

Conclusion

The Proposed Facility is the best available and least intrusive means by which AT&T can close its significant service coverage gap in this portion of Santa Ana. Denial of this proposed facility or a reduction in height would materially inhibit AT&T's ability to provide and improve wireless services in this portion of the City.

13199659v3

From: Kris Sanders
To: Ryan Tyson
Cc: Alexis Hadley; Tyler Kent
Subject: Re: CLV1583 - Backups
Date: Thursday, November 9, 2017 1:28:49 PM

Thanks for the recon information.

Regarding the Marriott - Kristi has not given an explanation but stated they were not interested and there was nothing AT&T could do to change their minds…. Did you interact with her much? I was wondering if I should circle back with the GM? Do you have his contact information? My sense is that she didn't want to deal with this so I kind of want to hear from the GM on this before completely shutting the door on this.

Kris

From: Kris Sanders [mailto:kris.sanders@hannahconsulting.com]
Sent: Thursday, November 9, 2017 1:19 PM

To: Ryan Tyson
Cc: Alexis Hadley; Tyler Kent
Subject: CLV1583 - Backups

Hi Ryan

It looks like the Marriott is no longer interested in AT&T going on their property. It looks like you did a pretty thorough recon of the area. Based on that, what do you think are the best viable backup options for this ring?

Thanks.

Respectfully,

Kris Sanders,
Site Acquisition/Leasing On Behalf of AT&T
Phone: 760-218-4847
kris.sanders@hannahconsulting.com

<CLV1583.kmz>

From: Tyler Kent
To: Alexis Hadley; Kris Sanders
Subject: RE: CLV1583 - Other Potential Site (4131 S MAIN ST) APN: 411-121-11
Date: Wednesday, January 17, 2018 3:49:00 PM
Attachments: SA Main Properties LLC CLV1538.pdf
SA Main Properties Owned by SunCal Development Planning.png
SunCal Main.png
Trustor SA Main.SunCal.png
image002.png

Kris/Alexis, I went down to the Santa Ana Planning Department today with the hope of convincing them to let us go in the park in the middle of the search ring… Unfortunately, they did not change their status and Wireless Facilities continue to be exempt in City Parks. (No matter how much money is offered in leasing terms for park renovation or even building an entire new park)
****(The only other idea that would keep us in the SR would be to have EA speak to the City Council and suggest a one-time exemption in exchange for substantial contribution to the park or project)

However, I did review other potential locations and one may be suitable for us to pursue. The site is very close to Avis, a location previously okayed by RF (all be it the third option). Kris, please see the below and attached information about this site and make contact with the owners. I'll help in anyway. The planner confirmed for me that we can go up to 60' as long as the Tower is stealth. I am verifying any additional setbacks with Planning but per my conversation earlier today I believe we should be in good shape.
****there may be other candidates in this industrial area now that Planning has confirmed the Wireless Ordinance supersedes the other zoning as long as we are not attempting to go in a residential zoned location.

The site I am suggesting we pursue is owned by a local real estate development company, SunCal. They purchased the property in late December 2015 (OCT-DEC). Previously it was an art gallery and the new owners have not done anything with it since…as far as I can tell.

Contact Info:
SunCal Management, LLC
Irvine – Corporate Office
2392 Morse Avenue
Irvine, CA 92614
T: (949) 777-4000
http://suncal.com/

Real Estate Management and Development

January 17, 2018 6:36 PM

Company Overview of SunCal Management, LLC

Snapshot | People

Company Overview

SunCal Management, LLC operates as a real estate development company in the United States. The company acquires, entitles, and develops major residential properties and commercial developments. It specializes in mixed-use and master-planned communities from coast to coast, including California, New York, and various regions in between. The company's portfolio includes large commercial and retail projects. Its communities feature parks and trails, and recreation centers. The company serves landowners, city officials, financial partners, homebuilders, and potential homeowners. SunCal Management, LLC was incorporated in 2003 and is based in Irvine, California. It has additional offices in north...

Detailed Description

2392 Morse Avenue
Irvine, CA 92614
United States

Phone: 949-777-4000
Fax: 949-777-4050
suncal.com

Founded in **2003**

Key Executives For SunCal Management, LLC

Mr. Bruce Elieff
President
Age: 60

Mr. Boris Elieff
Founder

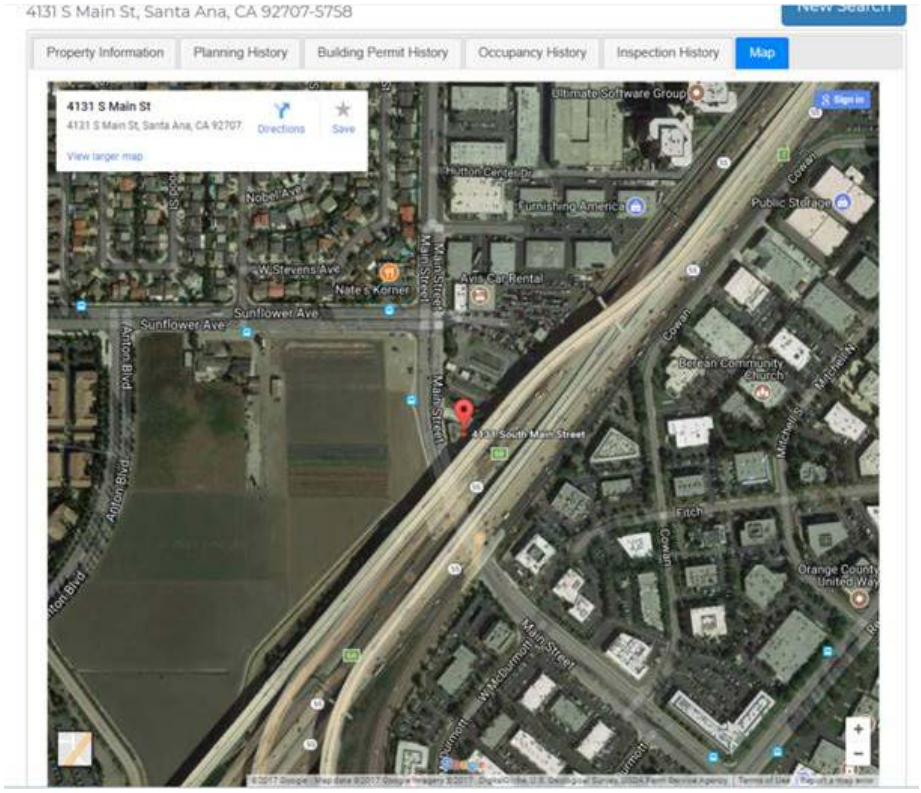
Mr. Edward Nolan
Chief Financial Officer

Mr. Frank Faye
Chief Operating Officer

Mr. Bill Myers
President of Northern California Division

Compensation as of Fiscal Year 2017.

Proposed site is labeled "Alternative Site Sun Cal" and circled in blue.



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From: Alexis Hadley
Sent: Wednesday, January 10, 2018 2:23 PM
To: Kris Sanders
Cc: Tyler Kent
Subject: RE: CLV1583 - Experian

Lol. Now its busy. Got through without a hiccup last time.

Alexis Hadley | **Project Manager**
Smartlink
(m) 949.838.7313
(f) 949.419.3471
18401 Von Karman Ave, Ste 400
Irvine, CA 92612
smartlinkllc.com

From: Kris Sanders [mailto:kris.sanders@hannahconsulting.com]
Sent: Wednesday, January 10, 2018 2:21 PM
To: Alexis Hadley
Cc: Tyler Kent
Subject: Re: CLV1583 - Experian

OMG. Please tell me your secret.

I call this number and actually got through to the automated system, but now I press 1- and get stuck because it won't let me do anything w/out a SS #, thinking I'm a customer and Pressing 2 gets me no where also. I tried waiting them out hoping to get to a rep and tried hitting "0". No luck.

What's the magic trick ?

Kris

On Jan 4, 2018, at 11:04 AM, Alexis Hadley <AHadley@smartlinkllc.com> wrote:

I just called the Experian number for Costa Mesa, asked for facilities director, a gentleman named Mike answered the phone. I asked him if we could place antennas on the roof for AT&T wireless. He said they already had AT&T at the building and after a little probing determined that they have AT&T fiber. He obviously didn't understand what I was saying so I asked him if we could place additional antennas on his roof for wireless services. He quickly said "No on my roof" and hung up on me. Maybe we need someone in legal, or maybe we can email Mike a proposal so he knows we want to pay him. Or Kris – maybe you can try again and quickly tell him that we want to pay him to put antennas on the roof. I can't find an email address.

Experian
475 Anton Blvd.
Costa Mesa, CA 92626
1 714 830 7000

<image003.jpg>
Alexis Hadley | Project Manager
Smartlink
(m) 949.838.7313
(f) 949.419.3471
18401 Von Karman Ave, Ste 400
Irvine, CA 92612
smartlinkllc.com

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