

DESIGN REVIEW COMMITTEE AGENDA ITEM

AGENDA DATE: OCTOBER 17, 2012

To: Chair Woollett and Members of the Design Review Committee

THRU: Leslie Aranda Roseberry, Planning Manager FROM: Daniel Ryan, Historic Preservation Planner

SUBJECT: DRC No. 4654-12 – SPRINT PCS – ELKS LODGE

SUMMARY

The applicant is proposing to upgrade existing wireless antennas and one GPS antenna on the roof of the Elks Lodge. The three new replacement panel antennas will be located within an existing "stealth" enclosure and will not be visible. The upgrade of equipment cabinet will be installed in the existing wireless equipment room within the Elks building.

RECOMMENDED ACTION-FINAL DETERMINATION

Staff recommends the Design Review Committee approve the stealth wireless plan as submitted.

BACKGROUND INFORMATION

Applicant/Owner: Sprint/Nextel, LLC

Property Location: Elk's Building Association of Orange

General Plan Designation: OTMU-15S (Old Towne Mixed Use Spoke Street, 6-15 Du/Ac

Max 0.6 FAR)

Zoning Classification: OTMU -15S (Old Towne Mixed Use 15/Du/Ac Spoke Street)

Existing Development: Contributing one-story 1924 Spanish Colonial Revival building

Property Size: 0.22 acres (9,742 sq. ft.)

Associated Applications: None

Prior DRC Applications: DRC No. 3873-03

PUBLIC NOTICE

No Public Notice was required for this project.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15301 (Class 1 Existing Facilities) that consists of the repair, maintenance, or minor alteration of existing public or

private structures, facilities, mechanical equipment, involving negligible or no expansion. There is no public review required.

PROJECT DESCRIPTION

The applicant is proposing to upgrade an existing stealth wireless telecommunications facility located on the rooftop of the Elk's Lodge building. The new proposal consists of replacing (3) panel antennas, one (1) GPS antenna and one communication equipment cabinet. The existing antennas are housed within an existing false chimney structure that measures 6'-0" x 6'-0" and 10'-0" in height. The existing chimney currently houses (6) Nextel panel antennas that were installed in 2004, three will remain and three will be upgraded. The stealth chimney is constructed at the northwest portion of the roof, setback approximately 20 ft. from the north parapet wall and 10 ft. from the west parapet wall. The combined height of the existing Elk's Lodge building and the proposed false chimney structure is 55'-6" overall. The existing chimney is texture coated and painted to match the existing building. The new antenna conduits will be housed in an existing elevated cable tray approximately 2'-2" above the roof then routed to an existing equipment room in the basement of the building. No additional power meter will be installed on the exterior of the building.

EXISTING SITE

The property is presently developed with a three-story, 28,044 square foot, concrete commercial building built in 1924. The building is listed as a contributing structure in the City's Historic Resources Inventory and is commonly known today as the Elk's Lodge. The prior Nextel stealth chimney and cabling trays were approved by the Design Review Committee on April 7, 2004.

EVALUATION CRITERIA

Orange Municipal Code (OMC) Section 17.10.070 establishes the general criteria the Design Review Committee should use when reviewing the project. This section states the following:

The project shall have an internally consistent, integrated design theme, which is reflected in the following elements:

- 1. **Architectural Features**.
 - a. The architectural features shall reflect a similar design style or period.
 - b. Creative building elements and identifying features should be used to create a high quality project with visual interest and an architectural style.
- 2. **Secondary Functional and Accessory Features**. Trash receptacles, storage and loading areas, transformers and mechanical equipment shall be screened in a manner which is architecturally compatible with the principal building(s).

ANALYSIS/STATEMENT OF THE ISSUES

Issue 1 – Compatibility of Design Features and Existing Stealth Enclosure:

The new installation will be installed inside the existing chimney enclosure and use existing cable trays. There will be no visual change in the appearance of the installation on the roof of the

Elk's Building. Final project approval will rest with the Design Review Committee. The proposal notes that all new wireless communication antennas and GPS antennas will be installed within the existing stealth chimney structure. As a precaution, Staff is requiring that no expansion of the existing chimney shall be permitted without the applicant reapplying for additional approvals and entitlements and that if the existing stealth screening on the chimney is removed and/or replaced, the replacement material shall match the original in color, texture and finish.

Based on the above recommendations and the fact that the proposed installation will be located within existing screening and cable trays having no visual change, the proposal is compatible with the existing architecture, color, materials, and texture of the subject building and related roof equipment.

ADVISORY BOARD RECOMMENDATION

None

STAFF RECOMMENDATION AND REQUIRED FINDINGS

The courts define a "Finding" as a conclusion which describes the method of analysis decision makers utilize to make the final decision. A decision making body "makes a Finding," or draws a conclusion, through identifying evidence in the record (i.e., testimony, reports, environmental documents, etc.) and should not contain unsupported statements. The statements which support the Findings bridge the gap between the raw data and the ultimate decision, thereby showing the rational decision making process that took place. The "Findings" are, in essence, the ultimate conclusions which must be reached in order to approve (or recommend approval of) a project. The same holds true if denying a project; the decision making body must detail why it cannot make the Findings.

The Findings are applied as appropriate to each project. Based on the following Findings and statements in support of such Findings, staff recommends the DRC approve the project with recommended conditions.

Old Towne Historic District – Applies to all projects within the district.

- 1. In the Old Towne Historic District, the proposed work conforms to the prescriptive standards and design criteria referenced and/or recommended by the DRC or other reviewing body for the project (OMC 17.10.070.F.1 and OTDS).
 - The replacement panel antennas will be installed inside an existing stealth chimney enclosure and existing cable trays and there will be no visible change to the appearance of the installation on the roof of the Elk's building.
- 2. In any National Register Historic District, the proposed work complies with the Secretary of the Interior's Standards and Guidelines (OMC 17.10.07.F.2).
 - The Old Towne Design Standards provide that all equipment be screened from view and/or wireless antennas be installed as stealth installation so as not to visually impact the historic resources and/or setting. The replacement panel antennas will be installed

- inside an existing stealth chimney enclosure and there will be no visible change to the appearance of the installation on the root of the Elk's building.
- 3. The project design upholds community aesthetics through the use of an internally consistent, integrated design theme and is consistent with all adopted specific plans, applicable design standards, and their required findings (OMC 17.10.07.F.3).
 - As the project is located within the Old Town Historic District, the proposed work conforms to the prescriptive standards and design criteria referenced and/or recommended by the Design Review Committee. The Old Towne Design Standards provide that all equipment be screened from view and/or wireless antennas be installed as a stealth installation so as not to visually impact the historic resources and/or setting. The replacement panel antennas will be installed inside an existing stealth chimney enclosure and there will be no visible change to the appearance of the installation on the root of the Elk's building.
- 4. For infill residential development, as specified in the City of Orange Infill Residential Design Guidelines, the new structure(s) or addition are compatible with the scale, massing, orientation, and articulation of the surrounding development and will preserve or enhance existing neighborhood character (OMC 17.10.07.F.4).
 - As the City of Orange Infill Residential Design Guidelines do not apply to projects located within the Old Towne Orange Historic District, this finding does not apply.

RECOMMENDATION:

Staff recommends approval of the project to the Design review Committee as submitted.

CONDITIONS

The approval of this project is subject to the following conditions:

- 1. All construction shall conform in substance and be maintained in general conformance with plans and exhibits labeled Exhibit A in the staff report (date stamped received June 18, 2010), including modifications required by the conditions of approval, and as recommended for approval by the Design Review Committee
- 2. The applicant agrees to indemnify, hold harmless, and defend the City, its officers, agents and employees from any and all liability or claims that may be brought against the City arising out of its approval of this permit, save and except that caused by the City's active negligence.
- 3. The applicant shall comply with all Federal, State and local laws, including all City regulations. Violation of any of those laws in connection with the use will be cause for revocation of this permit.
- 4. Except as otherwise provided herein, this project is approved as a precise plan. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Community Development Director for approval. If the Community Development Director determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for

- the approved plot plan, the Community Development Director may approve the changed plan without requiring a new public hearing.
- 5. All construction shall be in compliance with the wireless communications facilities regulations contained within OMC Section 17.12.025
- 6. No expansion of the existing chimney shall be permitted without the applicant reapplying for additional approvals and entitlements
- 7. If the existing stealth screening on the chimney is removed and/or replaced, the replacement material shall match the original in color, texture and finish.
- 8. Any future expansion in area or in the nature and operation of the use approved by Design Review Committee 4654-12 and shall require an application for a new or amended permit.
- 9. Prior to the issuance of building permits, the applicant shall pay all applicable development fees including but not limited to: City sewer connection, Orange County Sanitation District Connection Fee, Transportation System Improvement Program, Fire Facility, Police Facility, Park Acquisition, Sanitation District, and School District, as required.
- 10. Construction permits shall be obtained for all construction work, as required by the City of Orange, Community Development Department's Building Division and Public Works Grading Division. Failure to obtain the required building permits will be cause for revocation of this permit.
- 11. All structures shall comply with the requirements of Municipal Code Chapter 15.52 (Building Security Standards), which relates to hardware, doors, windows, lighting, etc. (Ord. 7-79). Approved structural drawings shall include sections of the security code that apply. Specifications, details, or security notes may be used to convey the compliance.
- 12. Applicant/developer shall be aware that all work within the public right-of-way requires the issuance of an Encroachment Permit. Such work includes, but is not limited to, work on the sidewalk, driveway construction, and utility laterals.
- 13. These conditions shall be reprinted on the first or second page of the construction documents when submitting to the Building Department for the plan check process.
- 14. If not utilized, project approval expires twenty-four months from the approval date. Extensions of time may be granted in accordance with OMC Section 17.08.060. The Planning entitlements expire unless building permits are pulled within 2 years of the original approval.
- 15. In accordance with City of Orange Municipal Code, Section.17.12.025.B.5, any owner of a wireless communication facility and any person or entity leasing property for a wireless communication facility shall provide written notification to the City of the discontinuance of the use of a wireless communication facility for wireless communication purposes for any period of longer than thirty (30) days. The notice shall state the date the facility was discontinued and shall be addressed to City of Orange, Community Development Director, 300 East Chapman Avenue, Orange, CA 92866 and shall be placed in the United States mail within thirty-one (31) days of such discontinuance.

16. Any wireless communication facility whose use has been terminated or otherwise revoked shall be removed within ninety (90) days of the date of termination or revocation. Failure to comply with this provision shall constitute a public nuisance, which may be abated pursuant to Chapter 8.04 of the Orange Municipal Code.

ATTACHMENTS:

- 1. Vicinity Map
- 2. Photos

EXHIBITS:

A. Large Scale Site, Floor and Elevation Plans dated July 13, 2012

CC: Elks Building Association of Orange 211 E. Chapman Avenue,

Orange, Ca 92866

Sprint PCS 310 Commerce Irvine, CA 92602

Alexander Lew Core Development Services 2749 Saturn Street, Brea, CA 92821