# *DESIGN REVIEW COMMITTEE*
## AGENDA ITEM

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| AGENDA DATE: | OCTOBER 16, 2013 |
| TO: | Chair Fox and Members of the Design Review Committee |
| THRU: | Leslie Aranda Roseberry, Planning Manager |
| FROM: | Doris Nguyen, Associate Planner |
| SUBJECT: | DRC No. 4703-13 – AT&T WIRELESS AT EL MODENA PARK |

## SUMMARY

The applicant proposes to replace an existing light standard with a light standard that would house wireless antennas. An enclosure would also be constructed to house their equipment.

## RECOMMENDED ACTION – RECOMMENDATION TO THE PLANNING COMMISSION

Staff is requesting that the DRC recommend approval to the Planning Commission.

## BACKGROUND INFORMATION

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| Applicant/Owner: | Core Development Services for AT&T Wireless |
| Property Location: | 555 S Hewes Street |
| General Plan Designation: | Open Space Park (OS-P) |
| Zoning Classification: | R-1-8 (Single-Family Residential) |
| Existing Development: | 8.21-acre City park |
| Property Size: | 8.21 acres |
| Associated Applications: | CUP 2915-13 & MNSP 750-13 |

## PUBLIC NOTICE

No Public Notice was required for this project.

## ENVIRONMENTAL REVIEW

**Categorical Exemption:** The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15302 (New

Construction) because the project includes the construction of small structures. There is no environmental public review required for a Categorical Exemption.

## PROJECT DESCRIPTION

The applicant is requesting to replace an existing 80'-5" tall light standard with an 80'-0" tall monopole light standard. The new monopole light standard would have six (6) panel antennas and three (3) tower mounted amplifiers (TMA), attached to the outside of the pole. The panel antennas would be 96.4"W x 11.9"H x 7.1"D and the TMAs 12" x 17" x 5.7". The antennas would be installed in two rows so they can be as close as possible to the pole, without the use of linear arrays.

The wireless equipment would be housed in a new 16' x 16' equipment building located at the northwest end of the parking lot, over the existing lawn.

Currently, Verizon also has an application (CUP 2903-13) to replace a different stadium light to the south of the AT&T light. Verizon's application includes the construction of a City trash enclosure and a Verizon equipment enclosure. If the Verizon application is approved, both equipment enclosures and the trash enclosure would be connected together as one building. Each provider would be responsible to obtain entitlements and permits for their own respective proposals.

The proposed equipment enclosure would be constructed to match the existing restroom building and patio cover at the park. The applicant proposes to use Orco split face CMU block in the tan color, GAF Timberline-Natural Shadow asphalt shingle roof in the Hickory color, and the doors and trash enclosure trellis would be painted Dunn Edwards Tobacco Brown (DE #60-11). The roof would be mansard in shape, with a security mesh lid to allow for ventilation. A photo of the color board and security lid details are included as Attachment 3.

## EXISTING SITE

The roughly 9-acre park is City owned and designated as a neighborhood park, which provides for daily recreation needs of residents in the immediate area. Specifically, the park serves an area within a quarter mile to half mile radius. The park includes a paved parking lot, lighted ball field, picnic tables, covered shelter, tot lot, and rest room facilities.

## EXISTING AREA CONTEXT

El Modena Park is surrounded by single-family residences at varying topographical elevations due to the hilly terrain that characterizes this portion of the City and County. Surrounding zones include Single Family Residential (R-1-6, R-1-7, and R-1-8). Additionally, the properties to the south and east are within the County's jurisdiction and are also residential. Towards the northwest are a vacant lot and El Modena Branch Library.

## EVALUATION CRITERIA

Orange Municipal Code (OMC) Section 17.10.070 establishes the general criteria the DRC 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. **Landscape**.
   a. The type, size and location of landscape materials shall support the project's overall design concept.
   b. Landscaping shall not obstruct visibility of required addressing, nor shall it obstruct the vision of motorists or pedestrians in proximity to the site.
   c. Landscape areas shall be provided in and around parking lots to break up the appearance of large expanses of hardscape.
3. **Signage**. All signage shall be compatible with the building(s) design, scale, colors, materials and lighting.
4. **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: Wireless Antennas

The applicant is requesting to replace an existing 80'-5" tall light standard with an 80'-0" tall monopole light standard. The new pole would be similar to the existing light pole; however, the new pole would be engineered to hold the weight of the wireless facilities. There are currently Sprint wireless facilities on the north end of the ball field and these would be similar in that the antennas/microwave dish will be attached as close as possible to the pole.

The applicant has stated that they are not able to collocate with other wireless facilities due to the engineering requirements of the pole.

Issue 2: Equipment Building

As part of the wireless facilities, the applicant would construct a 16'W x 16'D x 10'-5"H equipment enclosure that would match the CMU block, asphalt roof, and doors on the existing restroom and gazebo on-site. Currently, the plans show three (3) GPS antennas attached 6" above the middle of the equipment enclosure roof so they are less visible to park visitors.

## ADVISORY BOARD RECOMMENDATION

The Staff Review Committee reviewed the application on August 14, 2013 and then recommended approval on September 25, 2013. The SRC had concerns with the color and materials specifications, location of the meter pedestal, and adding specific call outs and notes to the plans.

## 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.

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).*

   This project site is not within the Old Towne Historic District; therefore, this finding does not apply.

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).*

   This project site is not within the National Register Historic District; therefore, this finding does not apply.

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).*

   The project is not located within an adopted specific plan or area with required design standards. The project design upholds community aesthetics through the use of the antennas being mounted as close as possible to the light standard. The light standard is located on the border of the parking lot, away from the residential developments. The pole will be separated from the County residences to the south by over 300' and nearly 500' to the east. The view of the proposed light standard from the surrounding off-site

properties is not expected to be adversely impacted given the fact that the facility already has seven 80 foot light standards, one with existing wireless facilities.

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).*

   This project is not an infill residential development; therefore, this finding does not apply.

## CONDITIONS

The recommendation for approval of this project is subject to the following conditions, plus others that the DRC may add:

1. Prior to the issuance of a building permit, the applicant shall post a $50,000 bond to repair any damage not repaired by the wireless installation company or future maintenance vehicles.
2. Prior to the issuance of a building permit, construction documents shall show that the antennas and microwave dishes shall be painted to match the pole.
3. Prior to the issuance of a building permit, construction documents shall provide as-built drawings for the areas of construction to document the existing conditions.
4. Prior to the issuance of a building permit, construction document elevations shall call out the specific materials, colors, brand, and model number of the equipment building walls, roof, and doors. The colors and materials shall match the existing restroom and gazebo on-site.
5. Prior to the issuance of a building permit, construction documents shall show that the GPS antennas are mounted in the middle of the equipment enclosure and are no taller than 6" above the tallest roof line adjacent to where they are installed.
6. Prior to the issuance of a building permit, construction documents shall show that the metal mesh security lid shall be constructed below the top of the mansard roof. Once installed, the security lid shall not be visible by persons at the park.
7. Prior to the issuance of a building permit, plans shall show that the sports light pole shall be constructed and installed by Musco Sports Lighting. Contractor shall provide Musco's specifications during plan check for verification.
8. Prior to the issuance of a building permit, construction documents shall show that the antennas and microwave dishes shall be installed as close to the pole as possible without the use of linear arrays.
9. Prior to the issuance of a building permit, plans shall show that the trash enclosure shall not have extra open space in which people can sleep or hide.
10. The City encourages AT&T to work with Verizon to coordinate the construction of the facilities in order to minimize cost and the disturbance to the public park.
11. All existing landscape and flat work shall be protected during construction. The applicant shall replace any plant material disturbed or destroyed as a result of antenna and equipment

installation with the same species and size. The Parks Division shall verify the condition and installation of any necessary plant material prior to the final building permit inspection. Any landscape or flatwork that is damaged shall be repaired prior to the final sign off of the building Permit Card. Any repairs to the irrigation system shall be completed by a "Certified Irrigation Technician", who is approved by the Community Services Department.

12. All access and work schedules shall be coordinated with the City's Parks and Facilities Manager, Community Services Department, Parks Division.
13. Plans submitted for building plan check shall comply with the California Fire Code as amended by the City and as frequently amended and in effect at the time of application for building permit.
14. This antenna installation shall be reviewed in five (5) years by the wireless company to determine whether changes in technology have occurred which would allow replacement of the facility with smaller or less visually obtrusive equipment.
15. Construction of the wireless facility shall comply with OMC Section 8.24, Noise Ordinance and be sensitive to the adjacent residences.
16. Any graffiti shall be removed within 72 hours from the time the City of Orange Notice of Violation is received by the applicant and property owner.
17. Prior to the operation of the business the applicant shall file for or, if applicable, amend a business license with the Business License Division. Failure to obtain the required business license may be cause for revocation of this approval.
18. The term "applicant" shall refer to the entity that requests approval of this action or any successor in interest to this approval.
19. Prior to building permit issuance, construction documents shall show that all structures comply with the requirements of OMC Chapter 15.52 (Building Security Standards) which includes, but is not limited to: hardware, doors, windows, and lighting. Specifications, details, or security notes may be used to convey compliance.
20. Plans submitted for building plan check shall show that all associated ducting, conduit, pipes, wires, and power supply lines shall be concealed within the pole, equipment enclosure, or underground.
21. The project shall be in compliance with the Orange Municipal Code Title 7 Environment - Water Quality and Storm Water Discharges during installation, on-going normal operations, and building and equipment maintenance. A copy of the code is available on the City's website homepage under Municipal Code.
22. 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.
23. 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 longer than thirty (30) days. The notice shall state the date the use was discontinued

and shall be addressed to City of Orange Community Development Director, 300 E. Chapman Avenue, Orange, CA 92866 and shall be placed in the United States mail within thirty-one (31) days of such discontinuance.

24. These conditions of approval shall be recorded as part of the lease agreement between the wireless provider and the City of Orange.

The following code provisions are applicable to this project, and are included for information only. This is not a complete list of requirements, and other code provisions may apply to the project.

- All construction shall conform in substance and be maintained in general conformance with plans and exhibits labeled Attachment 4 in the staff report (date stamped received October 4, 2013), including modifications required by the conditions of approval, and as recommended for approval by the Planning Commission. Further, exterior building color and materials shall conform to the plans and color and materials board approved by the Design Review Committee on October 16, 2013. Any change to the exterior of the building from the approved plans shall be subject to review and approval by the Design Review Committee.
- 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.
- The applicant, business owner, managers, successors, and all future assigns 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.
- 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.
- Any future expansion in area or in the nature and operation of the use approved by Conditional Use Permit No. 2915-13, Design Review Committee 4703-13, and Minor Site Plan 0750-13 shall require an application for a new or amended permit.
- 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.
- 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.
- 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.

- The final approved conditions of approval shall be reprinted on the first or second page of the construction documents when submitting to the Building Division for the plan check process.
- 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.

## ATTACHMENTS

1. Vicinity Map
2. Visual Simulations (date stamped received October 7, 2013)
3. Photo of Color Board and metal mesh security lid details
4. Topo Survey, Site Plan, Elevations, & Details (date stamped received October 4, 2013)

cc: Core Development Services
ATTN: Alexander Lew
2749 Saturn St
Brea, CA 92868

File