

Planning Commission Agenda Item

December 2, 2013

TO: Chair Steiner and

Members of the Planning Commission

THRU: Leslie Aranda Roseberry

Planning Manager

FROM: Chad Ortlieb

Senior Planner

SUBJECT

PUBLIC HEARING: Conditional Use Permit 2915-13, Design Review Committee 4703-13 and Minor Site Plan Review 0750-13 –AT&T 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

Adopt Planning Commission Resolution No. PC 41-13 entitled:

A RESOLUTION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT 2915-13, DESIGN REVIEW COMMITTEE 4703-13 AND MINOR SITE PLAN REVIEW 0750-13 ALLOWING A WIRELESS ANTENNA ON A REPLACED LIGHT POLE AND AN ASSOCIATED EQUIPMENT ENCLOSURE AT 555 SOUTH HEWES STREET

AUTHORIZATION/GUIDELINES

Orange Municipal Code (OMC) Sections 17.08.020 and 17.10.030C. authorize the Planning Commission to review and take action on Conditional Use Permit requests for non-stealth wireless facilities in residential zoning districts.

PUBLIC NOTICE

On November 20, 2013, the City sent a Public Hearing Notice to a total of 84 property owners/tenants within a 300-foot radius of the project site, and persons specifically requesting notice. The project site was also posted in 2 locations with the notification on that same date.

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 (Class 3 - New Construction or Conversion of Small Structures) because the project includes the construction of small structures. There is no environmental public review required for a Categorical Exemption.

PROJECT BACKGROUND

Applicant:	Core Development Services for AT&T Wireless		
Property Owner:	City of Orange		
Property Location:	555 S Hewes Street		
Existing General Plan	Open Space Park (OS-P)		
Land Use Element designation:			
Existing Zoning	R-1-8 (Single-Family Residential)		
Classification:			
Old Towne:	No		
Redevelopment Project Area:	No		
Specific Plan/PC:	No		
Site Size:	8.21 acres		
Circulation:	Access occurs to the park from Fowler Avenue which is		
	located just off of South Hewes Street		
Existing conditions:	The 8.21 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. 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. Towards the northwest are a vacant lot and the El Modena Branch Library.		
Surrounding land uses	Surrounding zones include Single Family Residential (R-		
and Zoning:	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.
Previous	None applicable to this project.
Applications/Entitlements:	

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 Exhibit B.

Development Standards

	Required	Proposed	Code Section
Building Height	32 Feet Maximum	80 Feet	17.14.070
		(Does not Comply - See	
		Issue Item 1)	
Landscaping (non-	Existing landscaping.	N/A	N/A
residential)	Proposal does not include		
	landscape changes.		
Parking	Existing park. Proposal does	N/A	N/A
	not include building or		
	parking changes.		
Setback, Front	20 feet from Hewes St.	Antenna- 235 approximate	17.14.070
		feet	
		Equipment Enclosure - 70	
		or more feet	
Setback, Rear	10 feet	Antenna – 560 approximate	N/A
		feet	

		Equipment Enclosure – 720	
		approximate feet	
Setback, Fowler	10 feet	Antenna – 340 approximate	N/A
Avenue Side		feet	
		Equipment Enclosure – 300	
		approximate feet	
Setback, North Side	5 feet to nearest side property	Antenna – 90 approximate	N/A
	line	feet	
		Equipment Enclosure – 90	
		approximate feet	

APPLICATION(S) REQUESTED/REQUIRED FINDINGS

Wireless Communication Facilities Conditional Use Permits: The applicant is requesting a Conditional Use Permit to establish a new light pole and equipment enclosure to accommodate a new wireless facility in El Modena Park in the Single Family Residential (R-1-7) zone.

Required Findings:

- 1. A conditional use permit shall be granted only if the wireless communication facility can be installed and operated in a manner that preserves the aesthetic character of the portion of the community in which it is located;
- 2. A conditional use permit shall not be granted if it will cause deterioration of aesthetics for the area in which it is located;
- 3. A conditional use permit shall be granted if it can be found that the distance separation standards between ground-mounted wireless communication facilities precludes the wireless supplier from providing service.

<u>Design Review Committee:</u> The applicant is requesting approval of a Design Review Committee application to establish a new light pole and equipment enclosure to accommodate a new wireless facility in El Modena Park in the Single Family Residential (R-1-7) zone.

Required Findings:

- 1. In the Old Towne Historic District, the proposed work conforms to the prescriptive standards and design criteria referenced and/or recommended by the Design Review Committee or other reviewing body for the project.
- 2. In any National Register Historic District, the proposed work complies with the Secretary of the Interior's standards and guidelines.
- 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.

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.

<u>Minor Site Plan Review:</u> The applicant is requesting approval of a Design Review Committee application to establish a new light pole and equipment enclosure to accommodate a new wireless facility in El Modena Park in the Single Family Residential (R-1-7) zone.

- 1. The project design is compatible with surrounding development and neighborhoods.
- 2. The project conforms to City development standards and any applicable special design guidelines or specific plan requirements.
- 3. The project provides for safe and adequate vehicular and pedestrian circulation, both onand off-site.
- 4. City services are available and adequate to serve the project.
- 5. The project has been designed to fully mitigate or substantially minimize adverse environmental effects.

ANALYSIS/STATEMENT OF THE ISSUES

<u>Issue 1: Wireless Antennas/Light Pole</u>

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 co-locate with other wireless facilities due to the engineering requirements of the pole.

Pursuant to Orange Municipal Code Section 17.12.025 D.2. "The maximum height of any wireless communication facility, other than roof-mounted facilities, shall be governed by the height requirements of the zone in which the facility is located. Exceedance of the maximum height may be granted through a conditional use permit subject to the following provisions or restrictions:

a. The conditional use permit provision noted above shall not be applicable for any wireless ground mounted communication facility located in any residential district;"

Therefore, the proposed antenna exceeds the 32 foot height limit of the R-1-7 zone where it is proposed and a Conditional Use Permit may not be applied to exceed the height of the district. Precedent has been set by City approval of other wireless antennas over 32 feet tall on light poles in El Modena Park. The light pole itself is not an antenna and would exist at an equivalent height with or without the antenna. By policy, the City is allowed to exceed height limitations of the code for

park facilities such as light poles. Therefore, the proposed antenna will merely be using the opportunity of an available light pole and need not be interpreted as requiring strict adherence to the height limitations of the district, especially given that the policy and precedent has been set for other antennas on City park light poles.

Issue 2: Equipment Building

As part of the wireless facilities, the applicant would construct a 16'W x 16'D x 10'5"H on-site equipment enclosure that would match the CMU block, asphalt roof and doors on the existing restroom and gazebo. 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 September 25, 2013, ultimately leading to a recommendation that the project proceed to the Design Review Committee (DRC).

The DRC reviewed the plans on October 16, 2013 and recommended approval to the Planning Commission subject to the Conditions of Approval contained within Planning Commission Resolution No. PC 41-13. The October 16, 2013 DRC meeting minutes are included as Attachment 5.

ATTACHMENTS/EXHIBITS

Attachments to Report:

- 1. Planning Commission Resolution No. PC 41-13
- 2. Vicinity Map
- 3. Visual Simulations
- 4. Design Review Committee Staff Report Dated October 16, 2013
- 5. Design Review Committee Meeting Minutes from October 16, 2013
- 6. Applicant's Project Justification Letter Dated March 25, 2013

Exhibits provided to the Planning Commission:

- A. Plans (exhibit dated December 2, 2013)
- B. Photo of Color Board and metal mesh security lid details

cc: Core Development Services ATTN: Alexander Lew 2749 Saturn St Brea, CA 92821